TO

His Most Sacred MAJESTY

King GEORGE.

THE

LIVES

OF THE

Lords High CHANCELLORS, the Lords Great CHAMBERLAINS, and the Lords High TREASURERS of *SCOTLAND*,

Are most humbly Inscrib'd,

By,

May it please Your MAJESTY,

Your Majesty's most Faithful and

Obedient Subject and Servant,

GEO. CRAWFURD.

GEO. CRAWFURD

THE MOST PUISSANT ORDER

OF

HIGH TREASURERS of SCOTLAND

AND

GRAND CHAMBERLAINS and the Lords

HOLY HIGH CHANCELLORS of the Worlds

OF

FREE MASONS

THE

KING GEORGE

10 Ks 9

THE

LIVES

AND

CHARACTERS,

OF THE

Officers of the Crown, and of the State

IN

SCOTLAND,

FROM

The Beginning of the Reign of King *David* I. to the *Union* of the Two Kingdoms.

Collected from Original CHARTERS, CHARTULARIES, Authentick RECORDS, and the moſt Approved HISTORIES.

To which is added,

An APPENDIX, containing ſeveral *Original Papers* relating to the LIVES, and referring to them.

By GEORGE CRAWFURD, *Eſq;*

VOL. I.

EDINBURGH:

Printed by ROBERT FLEMING and COMPANY, and Sold by Mr. JAMES M'EUEN at his Shops in *London* and *Edinburgh*, MDCCXXVI.

MVSEVM
BRITAN
NICVM

THE PREFACE.

IT is a general Obſervation, That the moral and intellectual Conduct of Men's Lives, is in a great Part owing, to the Obſervations and Reflections which they make, either upon the Vertues or the Failures of others; and accordingly, as they imitate theſe, ſo they prove either more vitious, or more vertuous: Hence it is, that all, or moſt of the wiſe and polite Nations in the World, have with Care and Diligence, tranſmitted to Poſterity, the Lives of the great and illuſtrious Men of their Country, that they ſeeing the Rewards and Honours, beſtowed on ſuch, might thereby, be excited to imitate thoſe, in ſuch laudable Actions. And tho' from the following Collections, it will appear, that *Scotland* has produced as great Men as any other of our neighbouring Nations, yet we have been ſo unjuſt to their Memories, that hitherto, there has been very little done, towards ſo much as the gleaning up of Materials, for a Hiſtory of their Lives.

'TIS true indeed, the learned Sir *James Balfour*, who was Lord Lyon King at Arms, in the Reign of King *Charles* I. drew up a Sort of Liſt, of ſome of our Officers of State; but from whence he has taken moſt of his Vouchers, I cannot conjecture: This at beſt, was but a bare Liſt of their Names, and not exact either, without the noticing any one ſingle Action of their Lives, or any Thing elſe that could embeliſh a Work of this Kind: So that from this Performance of the *Lyon*'s, I got but very little Aſſiſtance toward my Deſign. I had the Favour of the Manuſcript, from my very learned and worthy Friend, Sir *Robert Sibbald* M. D. lately deceaſt, who, to do his Memory Juſtice, was a very induſtrious and indefatigable Collector, of ſuch Materials, as related to the Hiſtory and Antiquities

tiquities, of his Country, and was a worthy Man in all Reſpects.

ANOTHER cotemporary with Sir *James Balfour*, was, Sir *John Scot* of *Scotſtarvet*, who was Director of the Chancery, in the Reign of King *Charles* I. and a great Patron of Learning and learned Men. He collected ſome few Memorials of the *Scots Stateſmen*, for one Hundred Years, from the 1550 to the 1650, wherein he gives a View, of all the Misfortunes, *&c.* of the great Officers in that Century; but whoever has read Sir *John*'s Book, and peruſes this of mine, he will find, I borrowed ſcarce any Thing at all from him: However, the Book is curious enough; he calls it, *The ſtaggering State of the Scots Stateſmen*; it is in Manuſcript, and pretty common, I have a Copy of it my ſelf, more correct, than ſeveral others I have ſeen.

ANOTHER Help I had, was from a Liſt of the Chancellors of *Scotland*, collected by the ingenious Mr. *David Simpſon*, late Hiſtoriographer for *Scotland*, beginning with the Reign of King *William* the Lyon, and ending with that of King *James* IV. He concludes his Liſt with Archbiſhop *Stewart*, who was ſlain at the Battle of *Flowden*; they were all marked from Charters, which Mr. *Simpſon* had himſelf peruſed, and in which they were inſert Witneſſes. He had been very exact; I never obſerved the leaſt Miſtake in his Liſt; nothing was ſet down at Random, or upon Hearſay, but what I found afterward he had very authentick Vouchers for; ſo that it was a better Directory to me, than any Thing elſe I met with, upon the Subject of my Deſign. The Author was a modeſt and judicious Writer, and a very good Antiquary.

WHEN I firſt ſet about this Work, I took Time, to read over all the printed Hiſtories, that fell in my Way, or that I could hear of, relating to the Times, I was writing on, and I copied out every Thing that was remarkable, at leaſt, ſo far as concerned what I had in View, which ſwelled to a great Bulk, upwards of one Hundred Sheets of Paper. Upon this Stock I ſet out and ſearched all the publick Offices, about *Edinburgh*; and all the Libraries, with a Labour and Diligence, that was looked on, as no contemptible Performance. In this Search, I marked every Thing I thought for my Purpoſe, as exactly as I could, and from all theſe together, I compiled this Hi-

The PREFACE.

Hiſtory, of *The Lives, of our Officers of the Crown, and of the State*; and I do very ſincerely aſſure the Reader, once for all, I have done them, with all the Candor and Integrity, that became a faithful Hiſtorian, and one that had Truth and the Honour and Service of his Country, chiefly in View.

I AM far from being ſo vain, as to imagine, that in ſuch a *Variety of Matter* as I had before me, I have not fallen into ſome *Miſtakes*; in a Work of this Nature, they are almoſt unavoidable: But ſure I am, I went into no *wilful Ones*; nor did I omit any Thing *deſignedly*, proper to be known, or that could illuſtrate the Life I was a writing: And therefore I expect that Men of *Candor* will make ſome *Allowances*; and the more that the Undertaking is *new*, and the Path *untroden* before me.

WHEN I had compiled this Work, I ſhewed to ſeveral of my Friends, what I had done, who were either very partial to me, or they eſteemed the Work, might prove of ſome Uſe, and be a Sort of Service to my Country, to the Honour of which, I ſay ſincerely, it was chiefly intended.

I HAVE always thought it unbecoming an Author, in his *Preface*, to commend, or to write an *Encomium*, upon his own Performance; 'tis what I would very carefully avoid, being but too ſenſible of my own Weakneſs. But however lamely I have done the Work, the *Deſign* I hope cannot but take, ſince the *Lives* and *Memorable Actions* of *Great Men*, have ever been highly eſteem'd, by *Perſons* of *Learning* and *Judgment*, as a very *entertaining* and *inſtructive* Part of Hiſtory; for in them, is to be found, many *Important Tranſactions*, ſet in a *true Light*, with ſeveral Circumſtances, which *illuſtrate*, the more general Hiſtory of the Times, and *correct* ſome Miſtakes in them. How far I have ſucceeded in this Attempt, belongs not to me to determine; and therefore I leave that, with all Deference, to the Judgment of the *Equal* and *Impartial Reader*.

I DOUBT not but I may be cenſured, for having taken upon me, to correct ſome of the Miſtakes, even of our *Hiſtorians of the greateſt Name*. I did not indeed intend by that, to *leſſen the Reputation of the Author*, or to raiſe my own *Reputation* at the *Expence of others*, which is but too common; but only for the *Sake of Truth* I have done it with Diſcretion, and not in any foul or railing Language. Nor do I mind, that I have in any one Inſtance, *contradicted any Hiſtorian*, but when I have a *very Authentick Voucher*

for

for my Warrant. I am perſwaded, that Men of *Learning* and *Judgment*, will think this a *Piece of Service*, and one of the *Principal Ends* of my Work, rather than any Vanity in me; and for the Carpings and Peeviſhneſs of others I ſhall be but very little concerned.

I AM now, to give an Account of ſome Papers, I have added by Way of *Appendix*, which ſupport and relate to the *forgoing Lives*. I do aſſure the Reader, they are all *Authentick*; and that he may not take it on my *Word*, in the *Rubrick* or *Title* of every one of them, I have acquainted him, from whence I copied them, and where they are to be found, if he pleaſe to conſult them himſelf.

BEFORE I conclude the *Preface*, I am to inform the *Reader*, that this *Firſt Volume* was intended to have included more of the *Lives of the Officers of State*; but when I had done with the *Treaſurers*, finding the *Work* was brought to the Compaſs and Bigneſs which I had deſigned it, I was *adviſed* to break off there; not but that I am fully determined to proceed, in publiſhing and puting forth, the *Lives of the reſt of our Miniſters of State*, in another Volume, which is ready for the Preſs, if I ſhall meet with due *Aſſiſtance* and *Encouragement*.

THE

THE LIST OF THE MINISTERS of STATE that are contained in this Collection, as they ſucceeded each other in the reſpective Offices.

The CHANCELLORS.

I. HERBERT Abbot of *Kelſo.*
II. *Edward* Cancel.
III. *John* Biſhop of *Glaſgow.*
IV. *Walter* Cancel.
V. *William Cuming.*
VI. *Ingelram* Biſhop of *Glaſgow.*
VII. *Nicol* Cancel.
VIII. *Walter* Biſhop Elect of *Dunkeld.*
IX. *Roger* Biſhop of St. *Andrews.*
X. *Hugh* Biſhop of *Glaſgow.*
XI. *William* Biſhop of St. *Andrews.*
XII. *Florence* Elect of *Glaſgow.*
XIII. *William de Boſcho* Arch-Deacon of St. *Andrews.*
XIV. *Thomas Stirling* Arch-Deacon of *Glaſgow.*
XV. *Mathew* Biſhop Elect of *Dunkeld.*
XVI. *William* Biſhop of *Glaſgow.*
XVII. *Robert* Abbot of *Dumfermling.*
XVIII. *Gameline* Biſhop of St. *Andrews.*
XIX. *Richard* Biſhop of *Dunkeld.*
XX. *William* Biſhop of St. *Andrews.*
XXI. *William* Biſhop of St. *Andrews.*
XXII. Sir *Thomas Charters.*
XXIII. *Allan* Biſhop of *Caithneſs.*
XXIV. *Allan de Dumfries* Parſon of *Dumbarton.*
XXV. *Nicolaus* Biſhop of *Dunblain.*
XXVI. *Bernard* Abbot of *Arbroath.*
XXVII. Dr. *Walter Twynam* Canon of *Glaſgow.*
XXVIII. Sir *Thomas de Carnotto.*
XXIX. Mr. *William Cauldwell.*

XXX. Pa-

XXX. *Patrick* Biſhop of *Brechin.*
XXXI. Dr. *John Carrick* Canon of *Glaſgow.*
XXXII. *John* Biſhop of *Dunkeld.*
XXXIII. Mr. *Duncan Petyt* Arch-Deacon of *Glaſgow.*
XXXIV. *Gilbert* Biſhop of *Aberdeen.*
XXXV. *William* Biſhop of *Glaſgow.*
XXXVI. *John* Biſhop of *Glaſgow.*
XXXVII. *William* Lord *Crichton.*
XXXVIII. *James* Biſhop of St. *Andrews.*
XXXIX. *James* Biſhop of *Glaſgow.*
XL. *William* Earl of *Orkney* and *Caithneſs.*
XLI. *George* Biſhop of *Brechin.*
XLII. *Andrew* Lord *Evandale.*
XLIII. *John* Biſhop of *Glaſgow.*
XLIV. *James* Biſhop of *Dunkeld.*
XLV. *Colin* Earl of *Argyle.*
XLVI. *William* Biſhop of *Aberdeen.*
XLVII. *Archibald* Earl of *Angus.*
XLVIII. *George* Earl of *Huntly.*
XLIX. *James* Duke of *Roſs* and Archbiſhop of St. *Andrews.*
L. *Alexander* Archbiſhop of St. *Andrews.*
LI. *James* Archbiſhop of St. *Andrews.*
LII. *Archibald* Earl of *Angus.*
LIII. *Gavin* Archbiſhop of *Glaſgow.*
LIV. Cardinal *David Bethune* Archbiſhop of St. *Andrews.*
LV. *George* Earl of *Huntly.*
LVI. *George* Earl of *Huntly.*
LVII. *James* Earl of *Morton.*
LVIII. *Archibald* Earl of *Argyle.*
LIX. *John* Lord *Glammis.*
LX. *John* Earl of *Atholl.*
LXI. *Colin* Earl of *Argyle.*
LXII. *James* Earl of *Arran.*
LXIII. *John* Lord *Thirlſtane.*
LXIV. *John* Earl of *Montroſe.*
LXV. *Alexander* Earl of *Dumfermling.*
LXVI. *George* Earl of *Kinnoul.*
LXVII. *John* Archbiſhop of St. *Andrews.*
LXVIII. *John* Earl of *Loudon.*
LXIX. *William* Earl of *Glencairn.*
LXX. *John* Duke of *Rotheſs.*
LXXI. *George* Earl of *Aberdeen.*
LXXII. *James* Earl of *Perth.*
LXXIII. *John* Marquis of *Tweedale.*
LXXIV. *Patrick* Earl of *Marchmont.*
LXXV. *John* Marquis of *Tweedale.*
LXXVI. *James* Earl of *Finlater* and *Seafield.*

CHAMBERLAINS.

I. *Herbert* Chamberlain.
II. *Philip* Chamberlain.
III. *Herbert* Biſhop of *Glaſgow.*
IV. *Edward* Chamberlain.
V. *Walter de Berckley* Lord of *Reidcaſtle.*

VI. *Gil-*

VI. *Gilbert* Biſhop of *Caithneſs.*
VII. *Philip de Valoniis* Lord of *Panmure.*
VIII. *William de Valoniis* Lord of *Panmure.*
IX. *Henry de Baliol* Lord of *Reidcaſtle.*
X. Sir *John Maxwell* Lord of *Carleverock.*
XI. *David* Biſhop of St. *Andrews.*
XII. *Robert de Meyners.*
XIII Sir *David Lindſay* Lord of *Crawfurd.*
XIV. Sir *Eumer Maxwell* Lord of *Carleverock.*
XV. *Gilbert de Lempedlar.*
XVI. *William* Earl of *Mar.*
XVII. Sir *Reynold Chyne* of *Innerugie.*
XVIII. Sir *Thomas Randolph.*
XIX. *John* Biſhop of *Glaſgow.*
XX. Sir *Alexander Baliol* of *Cavers.*
XXI. Sir *William Lindſay* Rector of *Air.*
XXII. Dr. *Robert Peeblis* Canon of *Glaſgow.*
XXIII. Sir *Alexander Fraſer* Lord of *Cowie.*
XXIV. Sir *Reginald More.*
XXV. *James* Biſhop of St. *Andrews.*
XXVI. Sir *William Bullock.*
XXVII. Sir *Robert Erskine* Lord of *Erskine.*
XXVIII. *Thomas* Earl of *Mar.*
XXIX. *Michael* Biſhop of *Dunkeld.*
XXX. Mr. *Walter Bigger* Parſon of *Errol.*
XXXI. Sir *John Lyon* of *Glammis.*
XXXII. *Robert* Duke of *Albany.*
XXXIII. *John* Earl of *Buchan.*
XXXIV. Sir *John Forreſter* of *Corſtorphine.*
XXXV. Sir *James Crichton* of *Frendraught.*
XXXVI. *James* Lord *Livingſton.*
XXXVII. *Robert* Lord *Boyd.*
XXXVIII. Sir *John Colquhoun* of *That-ilk.*
XXXIX. *James* Earl of *Buchan.*
XL. *David* Duke of *Montroſe* and Earl of *Crawfurd.*
XLI. *Alexander* Lord *Hume.*
XLII. *John* Lord *Fleeming.*
XLIII. *Malcolm* Lord *Fleeming.*
XLIV. *James* Lord *Fleeming.*
XLV. *John* Lord *Fleeming.*
XLVI. *Eſmae* Duke of *Lennox.*
XLVII. *Lodovick* Duke of *Lennox.*
XLVIII. *Eſmae* Duke of *Lennox.*
XLIX. *James* Duke of *Lennox.*
L. *Charles* Duke of *Lennox.*
LI. *James* Duke of *Buccleugh* and *Monmouth.*

TREASURERS.

I. Sir *Walter Ogilvy* of *Lintrethin.*
II. Dr. *John Myrton* Dean of *Glaſgow.*
III. Mr. *Walter Stewart* Dean of *Murray.*
IV. Sir *Walter Haliburton* Lord of *Dirleton.*
V. *John* Biſhop of *Dunkeld.*
VI. *Andrew* Abbot of *Melroſs.*

VII. *James* Biſhop of *Murray.*
VIII. Sir *David Guthery* of *That-ilk.*
IX. *Archibald* Abbot of *Holy-rood-houſe.*
X. Sir *William Knows* Preceptor of *Torphichen.*
XI. *Henry* Abbot of *Cambuskenneth.*
XII. *George* Abbot of *Paiſley.*
XIII. Sir *Robert Lundin* of *Balgony.*
XIV. Sir *David Beaton* of *Crich.*
XV. *George* Biſhop of the *Iſles.*
XVI. *Andrew* Biſhop of *Caithneſs.*
XVII. *Cuthbert* Commendator of *Glenluce.*
XVIII. *James* Biſhop of *Murray.*
XIX. Sir *Walter Ogilvy* of *Strathern.*
XX. Mr. *John Campbel* of *Lundy.*
XXI. *William* Earl of *Glencairn.*
XXII. Sir *Archibald Douglas* of *Kilſpindy.*
XXIII. *Robert* Biſhop of *Roſs.*
XXIV. Sir *Robert Barton* of *Overbarnton.*
XXV. *William* Biſhop of *Aberdeen.*
XXVI. Sir *James Kirckaldy* of *Grange.*
XXVII. *John* Archbiſhop of St. *Andrews.*
XXVIII. *Gilbert* Earl of *Caſſils.*
XXIX. Mr. *Robert Richardſon* Commendator of St. *Mary Iſle.*
XXX. *William* Earl of *Gourie.*
XXXI. Sir *Thomas Lyon* of *Albar* Maſter of *Glammis.*
XXXII. *Walter* Lord *Blantyre.*
XXXIII. *Gilbert* Earl of *Caſſils.*
XXXIV. *Alexander* Lord *Elphinſtoun.*
XXXV. *George* Earl of *Dunbar.*
XXXVI. Sir *Robert Ker* Knight of the Bath Earl of *Somerſet.*
XXXVII. *John* Earl of *Mar.*
XXXVIII. *William* Earl of *Morton.*
XXXIX. *John* Earl of *Traquair.*
XL. *John* Earl of *Crawford* and *Lindſay.*
XLI. *William* Duke of *Queensberry.*

THE

THE LIVES of the LORDS Chancellors OF SCOTLAND.

'TIS the Opinion of *Caſſiodorus*, That the Etymology of the Name *Cancellarius* came originally from certain Croſs-Grates or Bars laid, Lattiſe-wiſe, one, on another, within which the Judge of the Court ſat to examine Matters; and the better to keep off the Preſs of the People, ſuch Places ſo ſevered being called by the *Romans*, *Cancelli* (*a*). Regard, ſaith he to the Chancellor, what Name you bear, it cannot be hidden what you do within Lattiſes; for you keep your Grates lightſome, your Bars open, and your Doors tranſparent as Windows (*b* : Whereby it was evident, that he ſat within Grates, where he was to be ſeen on every Side. But moſt of the *Civilians* and *Feudaliſts* fetch the original of the Word Chancellor *a Cancellando*. i. e. *a digniore Parte Officii*, from the higheſt Point of his Juriſdiction, which was to ſtrike and daſh out with croſs Lines Lattiſe-like, ſuch Letters, Commiſſions, Warrants and Decrees, which paſſed the Princes Great Seal againſt Law and Right, or were prejudicial to the Commonwealth, which not improperly they termed to *cancel*: For in a late Gloſſary we read, a Chancellor is he, whoſe Office it is to look into, and peruſe the Writings of the Sovereign, to cancel what is written amiſs, and to ſign that which is well (*c*). A learned Lawyer of our own (*d*) is of this laſt Opinion, and thinks it much more probable, that the Chancellor ſhould take his Name and Title from what he does, than from what he deſtroys. But leaving theſe ſeveral Opinions, we ſhall proceed to give ſome Account of the Chancellor's Office, eſpecially among us, both in ancient and more modern Times.

AS to the Antiquity of this great Officer in *Scotland*, 'tis not to be doubted, but that our Kings had their Chancellors as well as we know the *Britiſh* and *Saxon* Kings had theirs (*e*): Since from the *Books of the Majeſty*, in the Laws of King *Malcolm* the II. publiſhed by the learned Lord Regiſter Sir *John Skeen*, the *Feodum* or the Fees of the Great Seal due to the Chancellor and his Clerks, are ſpecified and ſet down Cap. II. *de Feodo Cancellarii & ejus Clerici*. Theſe *Cancellarii* of old, were in Effect the

A Clerks,

(*a*) *Jus Sigilli*, or the Law of the great Seal of *England*. (*b*) *ibidem*. (*c*) *Spelman's* Gloſſary and Sir *George Mackenzies* Precedency, *Cancellarius eſt, qui habet officium ſcripta, reſponſaque principis inſpicere, & male ſcripta cancellare*. (*d*) *Mackenzies* Precedency. (*e*) *Jus Sigilli*, or the Law of the great Seal of *England*.

Clerks, for they ſigned all the publick Writs, and for the further corroborating all ſuch Deeds, appended the Kings Seal thereto (*a*); *ad eum univerſæ publicè referuntur conſcriptiones, ipſeque eas annulo Regis ſive ſigillo firmaret.*

The Lord Chancellor of *Scotland* doth not receive his Authority as the Chancellor of *England* doth, who hath no other Commiſſion, but merely by the Delivery of the Great Seal of *England*, as the learned *Coke* obſerves (*b*), *per Traditionem magni ſigilli ſibi per Dominum Regem*: But with us, the Chancellor's Place is always conferred by Commiſſion under the great Seal, and ſtill of old, before the Union of the Crowns, during Life. Several ſuch Commiſſions I have ſeen, particularly to the Earl of *Huntly*, the Earl of *Morton*, the Earl of *Argyle*, the Earl of *Montroſe*, the Earl of *Kinnoul*, the Earl of *Aberdeen*, the Earl of *Findlater*: But as all theſe Commiſſions paſſed the Great Seal, ſo did they the Privy Seal alſo; becauſe the Lord Chancellor had the Cuſtody of the Great Seal himſelf: For in the ſeveral Letters patent, there is a Warrant directed to the Lord Privy Seal, and his Deputes to append his Seal of Office to the Lord Chancellor's Deed or Grant, in theſe Words; *Mandamus etiam noſtri Secreti Sigilli Cuſtodi, ſuiſque Deputatis, quatenus eidem noſtrum Sigillum præſentibus poſt noſtrum Magnum Sigillum appendant; quia dilectus Conſanguineus noſter nunc eſt Cancellarius, & ea ratione Cuſtos dicti noſtri Magni Sigilli* (*c*). One of theſe Commiſſions before the Union of the Crowns, and another ſince, I ſhall inſert at full length for the Satisfaction of the Curious, who may be deſirous to know the Variety of the Stile; in the Appendix of this Work.

In the Conſtitution of ſome other Nations, particularly in *England*, it is to be remarked, that there cannot be a Chancellor and a Lord Keeper of the Great Seal at one and the ſame Time (*d*), becauſe both theſe are but conſidered as one and the ſame Office; for by the Common Law of that Realm, it is declared, That the Lord Keeper hath the ſame Preheminence and Juriſdiction, that the Lord Chancellor hath; yet it has been otherwiſe with us in *Scotland*; for we have had a Lord Chancellor, and a Lord Keeper of the Great Seal, who were diſtinct Perſons, of which I ſhall give a few Inſtances.

In the Time of King *Robert* the II. and III. while Dr. *John Peebles* Arch-Deacon of St. *Andrews*, afterward Biſhop of *Dunkeld*, was Lord Chancellor of the Kingdom, Firſt, Sir *Adam Forreſter* of *Corſtorphine*, and then Sir *Alexander Cockburn* of *Langtoun*, were *Cuſtodes Magni Sigilli*, Keepers of the Great Seal (*e*), and Sir *Alexander* held the Office till the Chancellor's Death, in the 1396 (*f*). After that, during the Regency of *Murdack* Duke of *Albany*, while Biſhop *Greenlaw* of *Aberdeen* was Lord Chancellor in the 1421, Sir *John Forreſter* of *Corſtorphine* was *Cuſtos Magni Sigilli*, Lord Keeper of the Great Seal (*g*). Upon the Reſtauration of King *James* the I. *John Cameron* Provoſt of *Lincluden*, the Secretary, who at that Time, *Ratione Officii*, had the Keeping of the Privy Seal, was made *Cuſtos Magni Sigilli* (*h*), and that before he was either conſtituted Chancellor of the Kingdom, or preferred to the *Epiſcopal See* of *Glaſgow*; tho' indeed his Promotion to both theſe Offices followed quickly thereafter. We may likewiſe further obſerve, that when *Mary* of *Lorrain*, the Queen Dowager, was conſtituted Regent of *Scotland*, by her Daughter Queen *Mary* in 1555, altho' the Earl of *Huntly*, the Lord Chancellor was continued in his Office; yet the Queen gave the Keeping of the Great Seal to a Countryman of her own *Monſieur Rubbie*. And to conclude, when

(*a*) *Mackenzies* Precedency Cap. VIII. (*b*) *Coke Co.* 4. *Inſtitut.* 87. (*c*) *Carta penes Ducem de* Montroſe. (*d*) *Jus Sigilli*, or the Law of the Great Seal of *England*. (*e*) Carta *in Pub. Archivis ad Annum* 1389 & 1392, &c. (*f*) Abbot *Milne's* Lives of the Biſhops of *Dunkeld*, M. S. *in Bibliotb. Juridica* Edinburg. (*g*) *Carta penes Ducem de* Douglaſs. (*h*) *Carta in Rotulis* Jacobi I.

when Captain *James Stewart* of *Bothwellmuir*, and Earl of *Arran* was deprived of the Chancellor's Place *Anno* 1585, Sir *John Maitland* the Secretary was made Lord Keeper of the Great Seal, and that above a Year before he was declared Lord High Chancellor of *Scotland*, on the 30th of *April* 1587. Theſe are all the Examples I have at any Time obſerved, either in our publick Archives, or in the national Hiſtories of any ſuch Officer, as a Lord Keeper of the Great Seal, who was not actually Lord High Chancellor of *Scotland*.

THE Precedency of the Lord Chancellor anciently was not ſo fixed among us, as that, *virtute Officii*, he had the firſt Rank, as due to his Place: For when a Prelate held that great Dignity, it did not entitle him to precede any of his own Order, but only ſuch, as otherwiſe in Right of his *See* he preceded *(a)*: But then, all great Churchmen, whether Prelate, Abbot, and ſometimes Doctors in Divinity, or of the Canon Law, who were Chancellors, had the Precedency not only of the other great Officers of the Crown, as the Chamberlain, and Juſticiary, but even the Princes of the Blood; as appears from the Authorities here cited (*b*): But if any inferior Churchman, as a Prebend of a Cathedral, or Rector or Vicar of a Pariſh Church, held the Chancellor's Place, he was ranked after the Earls, and before the Great Barons *(c)*: But when a Layman was Lord Chancellor in old Times, I obſerve he had no Precedency allowed him, but what his own Character entitled him to *(d)*. But ſince the Reign of King *James* III. the Lord Chancellor has moſtly preceded all the Laity, except the King's Brothers: For we find, That in all Parliaments, Conventions, and even in Charters in that Reign, *Andrew* Lord *Evandale*, the Chancellor, is ranked ſtill before the Earls, and next to the Duke of *Albany (e)*, though he was only a Lord Baron. The Precedency and Rank of the Chancellor was not abſolutely fixed, till King *James* VI. ordained the Chancellor Sir *John Maitland* to have the firſt Place and Rank in the Nation, and that, *Ratione Officii*; by Virtue whereof the Lord Chancellor preſided in all Courts of Judicature, where he is preſent (*f*): But ſince the Reſtauration of King *Charles* II. By a particular Law, and Declaratory Act *Parl.* 1ſt. *Charles* II. The Lord Chancellor is declared, *by Virtue and in Right of the ſaid Office*, Preſident in all Meetings of Parliament, or other publick Judicatures *of the Kingdom (g)*. This Act, a learned Lawyer is of Opinion, was made, to declare the Lord Chancellor Preſident of the Exchequer, as well as all other Courts, and to remove any Pretence, the Lord Treaſurer might claim of Precedency there (*h*). But notwithſtanding of this expreſs Statute, his Majeſty King *Ch.* II. in the Year 1663, did, by his Royal Letter, ordain the Lord Treaſurer to preſide in the Exchequer, and not the Lord Chancellor: And in the 1664 to bring us to a Conformity to the *Engliſh*

(*a*) In a Charter by King *Robert* III. in 1400, *dilecto Fratri ſuo* Johanni *Seneſcall. de* Cairny, *Henry* Biſhop of St. *Andrews* is ranked before *Gilbert* Biſhop of *Aberdeen*, who was Chancellor at the Time. (*b*) In a Charter by King *William*, *Radulph. Ruffo de Kinnaird*, *Walter de Bidon*, who was no more than *Elect* of *Dunkeld*, the Chancellor, is ranked before *Duncan* Earl of *Fife* the Juſticiary. And in a Charter by *Robert* III. *Gilberto Epiſcopo Aberdonen. Cancell.* is marked before *David* Prince of *Scotland*, Earl of *Carrick* and *Athol*, the King's Son, and *Robert* Duke of *Albany*, the King's Brother. And *Walter de Twynam* Doctor of the Canon Law, when he was Chancellor, had Precedency of all Laicks. In a Charter by King *Robert* I. ratifying the Deed or Grant by *Williel-mus de Maule*, *Dominus de Panmore Miles*, *Radulpho de Dundee Militi*, his Vaſſal of the Lands of *Berry* and *Balruthery*; and likewiſe of the Grant of the ſame Lands, by *Henry de Maule Miles*, *Filii & Hæ-Willielmi de Maule*, *Johanni de Glaſſrith*, *Filio & Hæredi quondam Radulphi de Dundee*; I ſay *Waltero de Twynam Cancellario*, is marked before *Thomas* Earl of *Murray* the King's Nephew. (*c*) In a Charter of King *Robert* II. *Johanni de Carrick Cancellario* is placed after the Earls, and before the other Laicks. And in a Charter by King *David* II. *Jacobo Sandielands*, *Magiſter Willielmus de Caldwall Cancellarius* is marked after *Roberto de Erskin Camerario*, and is the very laſt Witneſs in the Charter. (*d*) In a Charter by King *David* II. *Jacobo Sandielands*, *Thoma de Carnotto Cancellario* is ranked after *William de Douglaſs*, *Dominus vallis de Lydall.* (*e*) *Carta in publicis Archivis.* (*f*) Biſhop *Leſly*'s Hiſtory of *Scotland.* (*g*) Acts of Parliament. (*h*) Obſervations on the Acts of Parliament.

Precedency, the King ordered the Arch-Biſhop of *St. Andrews* to have the Place and Rank of the Chancellor, tho' I am informed the Arch-Biſhop for the Time, Dr. *Sharp* was modeſt in the Point, and declined either to claim or urge it as his due.

HAVING premiſed theſe Things concerning the Etymology, Antiquity, Creation, and Precedence of the Lord Chancellor, I ſhall proceed to treat in Order of Succeſſion, of thoſe who have held that great Office, ſince the Reign of King *David* I. in Regard it is the moſt honourable Place; for the Rule or Maxim is, a *Principalioribus, ſeu dignioribus, eſt inchoandum.*

Herbert Abbot of *Kelſo.*

THE firſt Chancellor I have met with in the Reign of King *David*, was *Herbert* a Churchman, who had exerciſed the Office under King *Alexander* I. (*a*), He, *Herbertus Cancellarius*, is Witneſs to the Deed or Grant, which the King made *Eccleſiæ ſancti Kentigerni de Glaſgu* of the Lands of *Govan*, which became afterwards an Endowment for a Prebend in that Cathedral Church (*b*): The Chancellor is alſo Witneſs to the Donation, which this devout Prince, King *David*, made of the Church of *Totham*, *Eccleſiæ ſanctæ Trinitatis de* London, *pro ſalute animæ ſuæ, & pro anima* Matildis *Reginæ, Sororis ſuæ*, Matildis *Uxoris ſuæ, ac* Simonis Comitis, &c. (*c*). At Length the Chancellor in his old Age became Abbot of *Kelſo*, in which Station he died.

Edward Cancell.

THIS Gentleman being bred to Learning, took holy Orders; but what was his Station in the Church, I have not been able to diſcover: But, being a Perſon of Reputation and Integrity, King *David* preferred him to the Chancellor's Place. He is a Witneſs to the King's Foundation-Charter of the Monaſtry of *Haly-Rood-Houſe* (*d*). He is alſo a Witneſs to the Donation made by the King of the Lands of *Ruchale*, to the Monaſtry of *Newbottle* (*e*), the Charter is dated at *Edinburgh*. Alſo, he as Chancellor, is Witneſs to the Deed of the ſaid King, whereby he gave in pure and perpetual Alms, to the Abbacy of *Reading* in *England*, the Lands of *Rindelgroſſ* (*f*), for the Good of his Soul.

John Biſhop of *Glaſgow.*

THIS Excellent Prelate having, from his Youth, diſcovered a more than ordinary Genius to Learning; he was educated by the Care of *David* Earl of *Cumberland*, with a View of the Service of the Church. Having paſſed his juvenile Studies in his own Country, he travelled to *Italy*, and went to *Rome*, for the better carrying on of his Studies in Divinity, to which he had dedicated himſelf, and that he might the more fully learn the Rites and Cuſtoms of that Church: At Length being put into holy Orders, he was elected Biſhop of the newly reſtored *Epiſcopal* See of *Glaſgow* (*g*), the Laity, as well as the Clergy of the Dioceſs, according to ancient Right and Cuſtom, concurring in the Election. But ſuch was his great Modeſty, that he was extremly unwilling to accept of ſo high a Charge, and would have gladly declined the Promotion: But being at Length over-ruled in that Point, by the Intreaties of his Patron, who was always favourably inclined toward the Good of the Church, and the Authority of the Apoſtolick See, he ſubmitted. Pope *Paſchal* II. to whom the Merit of the Man was well enough known, did conſecrate him with his own Hands in the Year 1115, and ſent him to *Scot-*

(*a*) Chartulary of *Scoon*. (*b*) Excerpts from the Chartulary of *Glaſgow*, M. S. (*c*) *Monaſticon Anglicanum*, Vol. 1, Page 80. (*d*) *Carta in publicis Archivis* Roberti III. and the Chronicle of *Melroſs*. (*e*) Chartulary of *Newbottle in Biblioth. Juridica Edin. circa.* 1140. (*f*) *Monaſticon Anglicanum*. (*g*) *Inquiſitio Principis Cumbriæ in poſſeſſiones Eccl. Glaſguen.*

Scotland (*a*), where he was received, ſays my Author, with great Joy.

When the Biſhop came to the See, the Revenues were much ſunk, and in a very low Condition, by the Ravages of the War and other Calamities: And therefore, the Earl of *Cumberland*, who was a Prince of extraordinary Devotion, cauſed make a ſtrict Inquiry into the Ancient Poſſeſſions of the Epiſcopal See within the County (*b*), all which he cauſed to be reſtored to the Biſhop.

When the Earl came to the Crown by the Name of *David* I. he made ſeveral Donations to the Cathedral Church of *Glaſgow*, and ſettled a Revenue on the Biſhop, out of his own Royal Patrimony.

But notwithſtanding, the Biſhop had all poſſible Countenance and Encouragement from the King; yet he met with much Oppoſition and Trouble from others in the Diſcharge of his Function (*c*); inſomuch as, he threw up his Office, and undertook a Journey to *Jeruſalem* to viſit the Holy Places as was at that Time Cuſtomary (*d*); and there he continued ſome Time, 'till Pope *Calixtus*, charged him, upon his Obedience, to return to the Exerciſe of his Function (*e*); which, in Regard to the Apoſtolical Authority, he obeyed.

King *David* well knowing the Wiſdom, Integrity, and other Virtues of the Biſhop, was pleaſed to make him Chancellor of the Kingdom (*f*); but he did not long continue in the Place, 'tis likely he declined a ſecular Office, and kept to his own Function without concerning himſelf in publick Affairs. It was about this Time, and at his Inſtances, King *David* removed the Abbacy of *Selkirk* to *Kelſo*, as a more convenient Situation, and a better Air (*g*); and the more to encourage the Kings Inclinations to Works of Charity and Bounty toward the Church, in which he was indeed moſt eminent, he gave to that newly founded Abbacy the Church and Pariſh of *Leſmahagoe*, which was the firſt Endowment of that Priory, which thencefurth became a Cell to the Monaſtry of *Kelſoe*.

The Biſhop was a great Benefactor to his own Cathedral Church, which he rebuilt and adorned in a more magnificent Manner than formerly, and ſolemnly conſecrated it *nonas Julii* 1236 (*h*). King *David* being preſent at the Solemnity, gave to the Church and to the Biſhop the Lands of *Parthick* (*i*). He alſo divided the Dioceſs into two Arch-Deaconries, the Arch-Deaconry of *Glaſgow*, and the Arch-Deaconry of *Teviotdale* (*k*), and firſt begun the Offices of Dean, Sub-Dean, Chancellor, Treaſurer, Sacriſt, Chanter, and Succentor in his Church, and ſettled a Prebendary upon each of them, and put them in a Condition to live by themſelves. Thus, having left a great many Monuments of his Piety and Liberality to the Church in ſeveral Places, and being worn out with Age, he departed this Life in the Year 1147 (*l*), after he had held the *See* two and thirty Years. Before we take our Leave of the Biſhop, we muſt not forget his being a celebrated Author (*m*), and that he wrote ſeveral Tracts, particularly,

De Solicitudinis Encomio Lib. I.
De Amicitia Spirituali Lib. I.

Walter. Cancell.

This Perſon being an Eccleſiaſtick of Learning and Reputation, King *David* made him firſt one of the *Clerici Regis*, and then Chancellor of the Kingdom. He is Witneſs to many Grants and Deeds of the ſaid King to the Religious every where throughout the Country, particularly, *Walterus Cancellarius*, is to be met

(*a*) *Chron. de Melroſs.* (*b*) Excerpts from the Chartulary of *Glaſgow*. This Writ of Inquiſition being Curious, I ſhall inſert it in the Appendix. (*c*) Chron. of *Melroſs.* (*d*) *ibidem.* (*e*) *ibidem.* (*f*) Chartulary of *Dumfermling*, in a *Charter* to the Monks of that Abbay, of a Part of the Lands of *Craignilor*, *Johanne Epiſcopo & Cancellario* is a Witneſs. (*g*) Chartulary of *Kelſo*. (*h*) *Chron. Sanctæ Crucis Edinburgen.*, & *Chron de Melroſs.* (*i*) *Excerpta ex Chartul. Glaſguen.* (*k*) *Chron. de Melroſs.* (*l*) *ibidem.* (*m*) Mr. *Dempſters* Hiſtory of the *Scots* Writers.

with in the Charter, whereby King *David* gave *Canonicis Sancti Andreæ Inſulam de Lochleven, ut ibi inſtituant Ordinem Canonicalem.* I ſhall here inſert the Charter itſelf, becauſe it is eſteemed a very valuable Curioſity by ſome of the *Literati*, by Reaſon of the Singularity of ſome Clauſes it contains, as well as the great Antiquity to which it reaches.

DAVID *Rex* Scotorum, *Epiſcopis, Abbatibus, Comitibus, Vice-comitibus, & omnibus probis hominibus totius Terræ ſuæ, Salutem. Sciatis, me conceſſiſſe & dediſſe Canonicis Sancti Andreæ Inſulam de Lochleven, ut ipſi ibi inſtituant ordinem Canonicalem, & Keledei qui ibidem inventi fuerint, ſi regulariter vivere voluerint in pace cum iis, & ſub iis maneant, & ſi quis illorum ad hoc reſiſtere voluerint, volo & præcipio, ut ab Inſula ejiciantur. Teſtibus, Roberto Epiſcopo Sancti Andreæ, Andrea Epiſcopo de Catenes, Waltero Cancellario, Nicolao Clerico, Hugone de Morevilla, Waltero filio Allani apud Bervic.*

I ſhall here humbly offer, with the outmoſt Impartiality, my Thoughts of the Ancient *Culdees*, but with great Submiſſion to our learned Antiquaries, who may be of another Mind, and who, I acknowledge, are much more capable to judge in a Matter of ſuch Intricacy than I do pretend to; and for whoſe Judgment tho' I ſhould differ from them, I have all imaginable Deference and Regard: And therefore I humbly beg the Reader will Pardon a little Digreſſion, ſince it may ſerve ſomewhat to clear up a Point in our Hiſtory, about which, of late, there hath been no little Diſpute and Controverſy.

BEFORE the Founding and Erecting of the Priory of St. *Andrews*, by King *Alexander* I. (*a*), the *Culdees*, or the Religious *Hermites* of *Lochleven*, who, notwithſtanding as our Hiſtorians Report, lived according to Rules, and a Diſcipline of their own; yet they were the Chapter, and the only Electors of the Biſhops of *Kilrimunt* or St. *Andrews*. This Conſtitution King *David* was ſolicitous to have changed, and to have brought the Election into the Hands of the Prior and Canons regular of St. *Auguſtine*, and preſſed the *Culdees* exceedingly to come into the Reform of that Order, which they did not ſeem to have been very willing to comply with, more than the parting with their Privilege, of being the Chapter of the *Epiſcopal See*.

THAT the *Culdees* ſeem to have been very ſtubborn, and untractable in their Behaviour to the Prior and Canons, whom they thought had been ſuperinduced upon them, is plainly inſinuated by this Clauſe in the King's Charter, *Et ſi quis illorum ad hoc reſiſtere voluerint, volo, & præcipio, ut ex Inſula ejiciantur.* But King *David*, who was a Prince very zealous for the Peace and Tranquillity of the Church, peremptorily commanded, That whoſoever of the *Culdees* at *Lochleven*, as would not ſubmit to the *new Reform*, and ſtrictly conform themſelves to the Rules and Statutes of the Canons Regular, ſhould be expelled the Convent. But no Veſtige from any Record in Antiquity among us, ſo far as I have been able to diſcover, ſeems to inſinuate in the remoteſt Manner, That the *Culdees*, at leaſt at this Time of Day, were in the leaſt Article diſconform to the Conſtitutions of the Church, as it was then eſtabliſhed. On the contrary, the *Culdees* or *Hermites*, every where throughout the Country, were in full Terms of Communion with the Biſhops of the ſeveral *Dioceſſes*, where they reſided: For we find the Abbots and Priors of the *Culdees* at *Brechen*, *Muthill*, *Dunkeld*, and *Abernethy*, all frequently Witneſſes to the Deeds or Grants of the Biſhops (*b*), and getting Churches and Tithes from them, together with the *Curæ Animarum*

(*a*) *Johannis de Forden, Scoti Chron.* M. S. *in Bibli. Accadem. Edinburgen.* and *Winton's* Chron. M. S.
(*b*) *Carta* Simonis *Epiſcopi* Dunblanen. *Monialibus de* North-Berwick, *Eccleſiæ de Logy-Athey. Teſtibus. Malpol Prior Keledeiroum de* Methyl, & Michael, & Malcolmo, Keledeis *de* Methyl. The Charter is in the Earl of *Marchmont's* Family Archives.

marum (*a*); which cannot at all be ſuppoſed, if the *Culdees*, as ſome have imagined, had held and maintained any Point, either of Doctrine, Diſcipline, or Worſhip diſtinct from, or diſconform to the Faith or Practice of the *Romiſh* Church, which every one knows, was then fully received, and eſtabliſhed here: For who can reaſonably ſuppoſe, That our Biſhops, who derived their Miſſion, and Authority *Eccleſiaſtical*, from *Rome*, ſhould commit the Cure of Souls to ſuch who were *Heterodox* in Doctrine, or diſconform in any one Point, or Mode of Worſhip, from the Faith of the Church. So that, for all the Pudder and Work ſome have, of late, made about the *Culdees*, as if they had maintained Principles in Doctrine, and a Parity in the Government and Diſcipline of the Church, diſtinct from the *Hierarchy*, then fully eſtabliſhed according to the *Romiſh* Model, it has no Foundation in our Antiquities to ſupport it, and at beſt, are but bare Conjectures, and far ſtrained Inferences.

INDEED 'tis very true, the *Culdees* of *Lochleven*, and the Prior and Canons of *St. Andrews* had great Debates, but not at all in Matters of Doctrine, their Diſpute was allenarly about the Right of electing the Biſhop of *St. Andrews*, which they aſſerted was wholly in them, and tho' King *David* did indeed ſuperinduce upon them the *Auguſtine* Monks of the Priory, yet they did not drop their Right, but did long keep up the Diſpute, which was oftner than once carried by Appeal to *Rome*, in which generally, the Prior and Canons had the better of the *Culdees*: But at length, in the 1298, Mr. *Lamberton* the Chancellor of *Glaſgow*, being choſen Biſhop of *St. Andrews* on the Death of Biſhop *Fraſer*, by the Prior and Canons, the *Culdees* oppoſed his Election, and *William Cuming præpoſitus Keledeiorum*, thinking to get Advantage, in that turbulent and diſorderly Time, of the Prior of *St. Andrews*, revives his Claim, and thereupon appealed to the Pope. The Matter being carried to *Rome*, the Point was debated at full length very ſtrenuouſly on both Sides; at laſt a definitive Sentence was given in Favours of the Prior (*b*), and the *Culdees* were thencefurth deprived of any Claim or Right of being the Chapter of the Epiſcopal *See* of *St. Andrews*, which they had long contended for. That which will more fully clear this Matter, and ſupport what I have here ſet down concerning the *Culdees*, are ſeveral Writs I copied out of the Regiſter of the Priory of *St Andrews*, which I ſhall Place in the Appendix; becauſe the inſerting of them here would be too long an Interruption to the Thread of this Hiſtory: And therefore, I ſhall proceed to treat of the next Lord Chancellor to *Walterus*, who gave Occaſion for this Digreſſion.

William Cuming

WAS a younger Son of the Illuſtrious Houſe of the *Cumings*, which afterward ſpread itſelf into ſo many Noble Branches (*c*). Being bred from his Youth to the Church, and taking Holy Orders, King *David* was pleaſed to prefer him to be Chancellor of *Scotland*: He, as Lord Chancellor, is a Witneſs to the Donation which this Religious Prince made to the Epiſcopal *See* of *Glaſgow*, of the Tithes or Duties belonging to the Kings Houſhold, within the Bounds of *Strathgrieff*, *Kyle*, *Cunningham* and *Carrick*, *Tam in porcis, quam in animalibus, niſi quando ego ipſe*, Says the King, *Illic venero, & idem meum cham comedo* (*d*). Likeas, the Chancellor is a Witneſs in that Deed or Grant, whereby King *David* gave in pure and perpetual Alms, *Deo & Eccleſiæ Sancti Andreæ de Chilrimunt, Eccleſiam Sanctæ Mariæ de Hadingtoun*, with the Tithes thereunto belonging (*e*); for the Safety of his Soul.

(*a*) Chartulary of *Arbroath*. (*b*) Arch-Biſhop *Spotiſwood*'s Hiſtory of the Church of *Scotland*. and Mr. *Collier*'s Eccleſiaſtical Hiſtory of *Britain*. (*c*) Chartul. of *Kelſo*. (*d*) Chartul. of *Glaſgow*. (*e*) Chartulary of the Priory of *St. Andrews*.

In the Year 1142, Mr. *Cuming* the Chancellor, was, by the Grant of *Maud* the Empreſs, preferred to the Epiſcopal *See* of *Durhame*, and thereupon took Poſſeſſion of the Biſhop's Seat. And ſays my Author (*a*), *Vi, Sancti Cuthberti poſſeſſiones per aliquod Tempus obtinuit, cæcâ ambitione volens fieri Epiſcopus*; it would appear Mr. *Cuming*'s Promotion to the *See*, was not at all agreeable to the Chapter or the Clergy of the Dioceſs, whom he is ſaid to have born very hard upon, and mightily oppreſſed; inſomuch, as *Roger* the Prior, and *Ranulph* the Arch-Deacon, and many of the Inferior Clergy relinquiſhed their reſpective Functions, and put the Dioceſs under an Interdict, upon which, there was a Ceſſation of all Divine Service (*b*). At Length, by the Mediation of Great Men on both Sides, the Conteſt was adjuſted, and the Matter fully compromiſed, whereupon the Biſhop returned to his own Country, where he ended his Days.

Ingelram Biſhop of *Glaſgow*.

This Prelate was extracted from the Family of *Newbigging*, who were Lords of *Dunſyre*, in the County of *Lanerk* (*c*). Being a younger Brother, he early, and from his Youth, dedicated himſelf to the Service of the Church; and, entering into the Sacred Function, he was made Arch-Deacon of *Glaſgow*, to which the Rectory of *Peebles* was annexed (*d*). In that Station, his Parts and Abilities coming to be known to King *David*, he was pleaſed to make him Chancellor of the Kingdom (*e*), and he held the Office till the Death of the King. King *Malcolm* the IV. upon his Acceſſion to the Crown, was pleaſed to continue the Arch-Deacon in the Chancellor's Place, well knowing him to be a Perſon of Integrity, and every Way qualified for the Office.

In the 1159, *Roger*, Arch-Biſhop of *York*, having reviv'd the Pretence of his Metropolitical Juriſdiction over the *Scots* Church (*f*), called a Provincial Council at *Norhame*, to which he ſummoned the *Scots* Clergy; tho' it appears plainly, that the *Scots* Church, at that Time of Day, did not think, that the Arch-Biſhop of *York* had any Juriſdiction or Authority over them, or that they were under any Obligations to appear upon his Summons; yet the Arch-Biſhop pretending to a Legantine Character, that they might not be wanting in their due Regard to the Apoſtolick *See*, and in Deference to the Pope, and that they might, ever thereafter, diſingage the Church of *Scotland* from any Submiſſion to the *See* of *York*, thought fit, by their Delegates, to keep the Diet; of which Number, the Arch-Deacon of *Glaſgow*, the Chancellor, was one (*g*). In this Council, the Arch-Biſhop's Supremacy over the *Scots* Church, came to be warmly diſputed; the Arch-Biſhop required the Delegates to pay him a Submiſſion as their Metropolitan: They, on the other Side, pleaded an Exemption, and refuſing to make him any Manner of Acknowledgement, the Controverſy in the End run ſo high, That the Pope was appealed to, as the Supreme Judge of Controverſy, and as the laſt Reſort for Juſtice.

The Buſineſs being brought to *Rome*, the Lord Chancellor, who had ſo well, and ſo vigorouſly defended the Cauſe of the Church, was pitched on as the fitteſt Perſon to negotiate the Affair at that Court, whither he took a Journey in Perſon. The Cauſe coming to be argued at *Rome*, in Preſence of *Alexander* III. who then held the Popedom, after a full Hearing, His Holineſs gave Judgment againſt the Arch-Biſhop, and, by a Bull, declared the Church of *Scotland* to be exempt from any Juris-

(*a*) *Chron. de Melroſs.* (*b*) *Ibidem.* (*c*) Chartulary of *Kelſo.* (*d*) *Reliquiæ Sancti Kentigerni*, M. S. *penes me.* (*e*) He is *Cancellarius* in a Charter by the Prince to St. *Andrews* in 1151. (*f*) *Spotiſwood's* and *Collier's* Eccleſiaſtical Hiſtories, and the *Extracta e Chron.* Scotiæ. (*g*) *Collier.*

Jurisdiction whatsoever, but to the Apostolick *See* (*a*). The Bull begins thus;

Alexander *Papa, Servus Servorum* DEI, *dilecto Filio* Malcolmo, *Regi* Scotorum, *&c.*

DURING the Arch-Deacon's Stay at *Rome*, the *Episcopal See* of *Glasgow* falling void, by the Death of Bishop *Herbert* in 1164, he was elected thereto. And the Pope did esteem him so worthy the Function of a Bishop, that, as a special Mark of his Esteem, he consecrated him with his own Hands at *Sens*, notwithstanding that the Agents of the Arch-Bishop of *York* made no small Opposition to the contrary.

AT Length, after this most worthy Bishop had lived to a great Age, and done much Good, he surrendered up his Soul to GOD, on the second Day of *February* 1174 (*b*). He wrote according to Mr. *Dempster* (*c*), the Biographer,

Epistolarum ad diversos, Lib. I.
In Evangelia Dominicalia, Lib. I.
Rationes Regni administrandi, Lib. I.

Nicol. Cancell.

THIS Man being an Ecclesiastick of Character and Reputation, was preferred by King *David*, to be one of the *Clerici Regis*. Upon the Accession of King *Malcolm* the IV. to the Crown, he was constituted Lord Chamberlain, and he discharged the Office till the Death of the King. King *William*, his Brother and Successor, had so great a Value for the Lord Chamberlain, that he made him Chancellor of the Kingdom in the Year 1165, and he held the Place till his Death, *Anno* 1171 (*d*).

Walter Bishop Elect of *Dunkeld.*

THE Sirname of this Gentleman was *Bidun*; but of what Family or Extraction, through the Neglect of Writers, is not known. Being a Man of Parts and Integrity, King *David* I. made him one of the *Clerici Regis*, and after that preferred him to the Chancellor's Place, in the Year 1171.

HE is a Witness to many Grants of King *William* to religious Persons, and Places; particularly, he is a Witness in that Deed whereby the King made over to the Monastry of *Haly-Rood-House*, all the Churches and Chappels within the Bounds of *Galloway*, *quæ ad jus Abbatiæ de* Hii Columchile *pertinuerunt* (*e*). The Charter itself being curious, and but short, I shall here insert it from the Original, as follows;

W. *Rex* Scotorum, *Episcopis Abbatibus, Comitibus Baronibus, Justitiis, Vice-comitibus, Ministris, & omnibus probis hominibus totius terræ suæ Clericis & Laicis, Salutem. Sciant præsentes & futuri, Me Dedisse & Concessisse, & hac cartâ mea Confirmasse, DEO & Ecclesiæ Sanctæ Crucis de* Edenesburch, *& Canonicis in eadem Ecclesiæ DEO servientibus, in liberam & perpetuam Elemosinam, Ecclesias sive Capellas in* Galweia, *quæ ad jus Abbatiæ de* Hii Columchile *pertinent, cum omnibus decimis, & aliis beneficiis Ecclesiasticis, scilicet Ecclesiam quæ dicitur* Kirchecormach, *& Ecclesiam Sanctæ* Andreæ, *& illam de* Balenecros, *& illam de* Cheleton. *Volo itaque, ut prædicti Canonici, Præditas Ecclesias sive Capellas, cum terris & omnibus rectitudinibus, & libertatibus suis, in bosco & plano, in pascuis & pratis, in aquis & piscationi-*

(*a*) Bull of Pope *Alex.* III. mentioned by Bishop *Spotiswood.* (*b*) *Chron. de* Melrose. (*c*) *Dempster's* Ecclesiastical History, Page 393. (*d*) *Fordun*, and the Chron. of *Melrose. Obiit* Nicolaus *Clericus Regis* David, *Camerarius Regis* Malcolmi *& postea Cancellarius Regis* Willielmi. (*e*) *Chartæ Ecclesiæ Sanctæ Crucis de* Edenburg. in *Dalrymple's* Collections, Page 271.

bus, & in omnibus prædictarum Eccleſiarum juſtis pertinentiis, teneant & poſſideant, ita libere & quiete, plenarie & honorifice, ſicut alias Elemoſinas tuas, liberius, quietius, plenius & honorificentius tenent. His teſtibus Mattheo *Epiſcopo de* Aberdon. Andrea *Epiſcopo de* Caten. Waltero *Cancellario*, Johanne *Abbate de* Chelcho, H. *Priore de* Coldingham, *Comite* Dunec. *Neſio filio* Willielmi, Hug. *Clerico Regis*, Hug. *Capell.* Hug. *Clerico Cancellarii*, Johanni *Clerico Cancell. Apud* Forfar.

In the 1177, The Lord Chancellor was elected Biſhop of *Dunkeld*, then void by the Death of Biſhop *Cormak* (*a*): But while he was only *Elect* of that Church, Death took him away in the 1178 (*b*).

Roger Biſhop of St. *Andrews*.

This Prelate was extracted from the Noble Family of the Earls of *Leiceſter* in *England*, where he was born. His Father, *Roger* Earl of *Leiceſter*, having early diſcovered in his Son a Genius to Learning, dedicated him, from his Youth, to the Service of Almighty GOD in the Church. Having run through a Courſe of Study to all imaginable Advantage, ſo as to qualifie him for an Eccleſiaſtick; at Length he took holy Orders, and King *William* of *Scotland*, to whom he had the Honour to be related in Blood (*c*), well knowing his Abilities and Integrity, made him Lord Chancellor of *Scotland* in the 1178, on the Death of the Elect of *Dunkeld*, and he held the Office till the 1189 (*d*), he was preferred to the Epiſcopal *See* of St. *Andrews*: But ſo it was, the Times being troubleſome, he was not conſecrated till the 1198 (*e*), tho' the Reaſon of the Delay is not mentioned. Here he exerciſed his Function till the Time of his Death, *July* 9th, *Anno* 1202 (*f*). According to Mr. *Dempſter* (*g*), this Prelate wrote

Sermones varios in Eccleſiaſtic. Lib. I.

Hugh Biſhop of *Glaſgow*.

This Prelate, whoſe Sirname was *Roxburgh*, being extracted from a good Family, and educated in all neceſſary Learning, ſo as to qualify him for an Eccleſiaſtick, came in Time to be one of the *Clerici Regis* (*h*), and Arch-Deacon of St. *Andrews*.

In the 1189, Mr. *Roxburgh* was preferred to the Chancellor's Place, upon the Surrender of that Office by the Biſhop Elect of St. *Andrews* (*i*); and the Epiſcopal See of *Glaſgow* falling void, by the Death of Biſhop *Joceline*, he was preferred thereto: But before he had ſat there one full Year, Death took him away *ſexto Idus Julii*, 1199 (*k*). The Writer of the Chronicle of *Melroſs*, who ſeems to be an *Engliſh* Man, has not known, at leaſt has not taken Notice of, the Chancellor's Promotion to the Epiſcopal See of *Glaſgow*, though he has remarked his Death; but our own venerable Hiſtorian, *John a Fordun*, who had better Acceſs to know the Tranſactions of the Kingdom than a Foreigner, ſays, Hugo *Cancellarius* Scotiæ *ſucceſſit* Jocelino Epiſcopo Glaſguen. *& cito moritur.*

William Biſhop of St. *Andrews*.

This Prelate whoſe Sirname was *Malvicine*, was deſcended of a good Family. In his Youth he went over to *France*, where he lived a great While; and for that Reaſon, is called by ſome of our Hiſtorians, thro' Miſtake,

(*a*) Dr. *Miln*'s Lives of the Biſhops of *Dunkeld*, M. S. *in Bib. Jurid.* Edin. (*b*) *Chron. de* Melroſs *Obiit* Walter. *de* Bidun *R.* Scot. *Cancellarius, Eccleſiæ de* Dunkeld *Electus.* (*c*) Johannis *de* Fordun & *Chron. de* Melroſs. (*d*) *Chron. de* Melroſs. (*e*) *Ibidem.* Rog. *Filius Comitis* Leiceſtriæ *conſecratus eſt in Epiſcopatum Sancti* Andreæ *primâ Dominica Quadrageſimæ* 1198. (*f*) *Ibidem.* (*g*) *Hiſt. Eccleſiaſt. Gentis* Scotorum. (*h*) *Charta. R.* Will. *to* Haly-Rood-Houſe, and *Dalrymple's* Collections, Page 272. (*i*) *Chron. de* Melroſs. (*k*) *Chron. de* Melroſs.

Miſtake a *French* Man (*a*). Upon his Return, he entered into the ſacred Function, and was not long thereafter made Arch-Deacon of *St. Andrews*, and one of the *Clerici Regis* (*b*): Being a Perſon of Learning and Probity, he was preferred to be Chancellor of *Scotland* upon the Death of the Biſhop of *Glaſgow*; and had the Great Seal delivered to him on the 6th of the *Ides* of *September* 1199 (*c*).

THE Chancellor being by this Time particularly diſtinguiſhed for his good Qualities, was the ſame Year elected Biſhop of *Glaſgow*, to which he was conſecrated with the uſual Solemnities in 1260; but before he had ſat full two Years there, he was tranſlated to the Epiſcopal See of *St Andrews*, where he exerciſed his Function till his Death in 1238 (*d*): His Character as to learning was conſiderable, as appears by his Writings; to mention ſome of them, according to Mr. *Dempſter* the Eccleſiaſtick Hiſtorian, he wrote

The Life of St. Ninian.
The Life of St. Kentigern.

Florence Elect of *Glaſgow*,

WAS a younger Son of *Florence* Earl of *Holland*, whoſe Mother was a near Relation of the Crown of *Scotland*, being from his Youth educated ſuitable to his illuſtrious Birth, with a View of the Service of the Church, he took Holy Orders, and was ſoon after preferred by King *William*, to whom he had the Honour to be nearly related in Blood, to be Chancellor of *Scotland* in 1202 (*e*), and elected Biſhop of *Glaſgow*, upon the Tranſlation thence of Biſhop *Malvicine* to the Epiſcopal See of St. *Andrews*.

IMMEDIATELY upon his Election, with Conſent of his Chapter, he gave in pure and perpetual Alms to the Abbay Church of *Melroſs*, and to the Monks ſerving there, the Church and Church-Lands of *Haſſtenden*, which he obliges himſelf more authoritatively to ratifie how ſoon he ſhall be cannonically conſecrated to the See (*f*); but from what Defect, I know not, he was never conſecrated, for in the 1207, while he was only *Elect* of that Church, with the Popes Leave and Approbation, he reſigned his Function (*g*): However, he kept the Great Seal ſome Time, at leaſt, for I have diſcovered nothing to the contrary, and at Length went over to *Rome*, where he ended his Days.

William de Boſcho Arch-Deacon of St. *Andrews*.

OF the Sirname of *de Boſcho*, there were ſeveral Perſons of great Eminency at this Time; with whom 'tis likely, the Arch-Deacon was allyed. Being a Perſon of a promiſing Genius from his Youth, he was bred to Learning, and devoting himſelf to the Service of the Church, he entered into Orders, and quickly thereafter came to be one of the King's Clerks, and Arch-Deacon of St. *Andrews*. King *William*, to whom that Way he became known, perceiving him to be a Perſon of Conduct and Integrity, made him Chancellor of *Scotland*, and he had the Great Seal delivered to him, on the Vigil of St. *Peter* and St. *Paul*, in the Year 1211 (*h*), and he held the Office for the Space of three Years, till the Death of the King.

KING *Alexander* II. upon his Acceſſion to the Crown, had ſo great a Value for the Chancellor, that he continued him in the Office (*i*), which he diſcharged with great Sufficiency till the 1226, that being worn out with Age, and unable to undergo the Fatigue of the Place,

(*a*) Dr. *Mackenzies* Lives of the *Scots* Writers. (*b*) Chartulary of *Arbroath*. (*c*) Chron. *de Melroſs*. (*d*) Lives of the Biſhops of St. *Andrews*, M. S. and Biſhop *Spotiſwood's* Hiſtory of the Church of *Scotland*. (*e*) Chartul. of *Arbroath*, *etiam Charta penes Marchionem de* Tweeddale. (*f*) Chartulary of *Melroſs*. (*g*) Chron. *de Melroſs*. (*h*) Chron. *de Melroſs*. (*i*) Fordun *ad Annum* 1214.

he quit the Great Seal to the Arch-Deacon of *Glaſgow* Mr. *Stirling*, and died in 1231 (*a*).

Thomas Stirling Arch-Deacon of *Glaſgow*.

THE Sirname of *Stirling* is very ancient with us, *Petrus de Strivelyn* is a Witneſs in a Charter by King *William* to the Abbot and Convent of *Cambuskenneth* of the Church of *Forteviot* about the 1200 (*b*), another *Alexander Strivelyn*; *Miles*, is a Donator to the Abbacy of *Arbrouth*, *pro anima Emergardæ Filiæ Regis* Scotiæ (*c*). The Chancellor Mr. *Thomas*, ſeems to be a younger Brother, and, devoting himſelf to the Service of the Church, be entered into Orders, was firſt one of the *Clerici Regis*, and after that, was made Arch-Deacon of *Glaſgow*, and Rector of *Morbottle Anno* 1222 (*d*), at Length, King *Alexander* II. to whom the Arch-Deacons Parts and Integrity was well known, promoted him to the Chancellor's Place, upon the Removal of the Arch-Deacon of St. *Andrews*, in 1226, and he held the Office till his Death, which quickly thereafter enſued, *Anno* 1227 (*e*).

Matthew Biſhop Elect of *Dunkeld*.

THIS Reverend Perſon, who was of the Sirname of *Scot*, and moſt likely of the Family of *Balweary* in the County of *Fife*; becauſe of its very great Antiquity, being from his Youth trained up to Learning, in a View of ſerving the Church, took Holy Orders, and was not long thereafter made Arch-Deacon of St. *Andrews*, and at Length preferred to the Chancellors Place, upon the Death of Arch-Deacon *Stirling* (*f*), *Anno* 1227.

THE ſame Year, the Chancellor was poſtulated Biſhop of *Aberdeen*, upon the Death of *Adam* Biſhop of that *See* (*g*): But much about the ſame Time, the Biſhoprick of *Dunkeld* falling Vacant by the Death of Biſhop *Hugo*, he was elected thereto; but died before his Conſecration (*h*), which is the Reaſon I apprehend, that the learned Dr. *Milne*, Abbot of *Cambuskenneth*, has left Mr. *Scot* out of the Liſt of the Biſhops of *Dunkeld*, in his Treatiſe of the Lives of the Biſhops of that See (*i*), which he hath written in Latine with great Judgment and Exactneſs.

William Biſhop of *Glaſgow*.

THIS Prelate ſeems to be extracted from the ancient Family of *Bondington*, in the County of *Roxburgh*, where he was born. Being educated in all the Parts of Learning, ſo as to qualify him for the Service of the Church; and taking holy Orders, he was made a Prebend of *Glaſgow*, and after that one of the *Clerici Cancellarii*, while Arch-Deacon *Stirling* held the Great Seal.

Mr. *Bondington* being a Perſon learned, both in the Civil and Canon Law, he had the Arch-Deanry of St. *Andrews*, within the Bounds of *Lothian*, conferred on him; and made one of the Council to King *Alexander* the II. who perceiving him to be a Man of great Parts, and fit for Buſineſs, advanced him to the Chancellor's Place on the Death of the Biſhop *Elect* of *Dunkeld*, *Anno* 1231.

THE Chancellor being a Perſon well qualified, in Reſpect of Age, Morals and Learning, for the Epiſcopal Function, was promoted to the Biſhoprick of *Glaſgow*, then void by the Death of *Walter*, Biſhop of that *See*, in the 1232 (*k*), to which he was conſecrated by *Andrew* Biſhop of *Murray*

(*a*) *Fordun.* (*b*) Chartulary of *Cambuskenneth* (*c*) Chartulary of *Arbroath.* (*d*) Chron. *de Melroſs.* (*e*) *Ibidem.* (*f*) Chron. *de Melroſs. ad Annum* 1227, *obiit* Thomas *Cancellarius Regis, Archidiaconus* Glaſguenſis, & *Magiſter* Matthæus Scotus *factus eſt Cancellarius.* (*g*) Boethius *in vitis Epiſcoporum* Aberdonen. (*h*) Biſhop *Spotiswood*'s Church Hiſtory. (*i*) In the Lawyers Library at *Edinburgh* in M. S. (*k*) *Chron. de* Melroſs *ad* Annum 1232. *Obiit* Walterus *Epiſcopus* Glaſguenſis, Anno *Epiſcopatus ſui* 26, *poſtquam electus eſt* Willielmus *Cancellarius Regis.* In the Chartulary of *Melroſs*, he is Elect of *Glaſgow*, & *Cancellarius* 4th of Auguſt 1232, *penes Comitem de* Madington.

Murray, in the Cathedral Church of *Glaſgow*, *Dominica poſt nativitatem Beatæ* Mariæ (*a*), 1233.

Biſhop *Bondington*, not *Babington*, as a right Reverend Hiſtorian, thro' Miſtake, calls him, was a very great Benefactor to his own Church; for at his coming to the See, the Cathedral being gone much to Decay, he took down the old Church, and rebuilt it in that ſtately and magnificent Manner in which it remains to this Day (*b*), and firſt introduced the Liturgy of the Church of *Sarum* into his *Dioceſs*, by his Epiſcopal Authority (*c*). The Act itſelf I ſhall inſert in the Appendix, as I copied it from the Excerpts, out of the Chartulary of the Epiſcopal See of *Glaſgow*, taken before the Reformation of Religion *Anno* 1558.

In the Year 1240, Pope *Gregory* the IX. having called a General Council, upon Pretext of Relief to the Holy Land, cited from the ſeveral Parts of *Chriſtendom* a great many Biſhops, of which Number our Prelate Biſhop *Bondington*, was one (*d*), who, accordingly reſolving to keep the Diet, undertook a Journey to *Rome*; but the Emperor *Frederick* II. who was in ill Terms with the Pope, and apprehending the Deſign was intended againſt him, did what he could to prevent the Meeting of the Council: And therefore cauſed ſtop our Prelate, and other Biſhops in their Progreſs through *Germany*, and made them Priſoners; but, upon their Promiſe to return home, and not to proceed on their Journey to *Rome*, he ſet them all at Liberty.

The Biſhop, after his Return, ſpent the Remainder of his Time, in a ſtrict Performance of the more immediate Duties of his Epiſcopal Function, with Integrity and Conſcience, according to the Opinion of that Age, till he exchanged this mortal Life with a State of Immortality, on the Vigil of Saint *Martin*, *Anno* 1258 (*e*), and was on Saint *Bryce*'s Day thereafter interred in the Abby-Church of *Melroſs*, nigh to the High Altar. Mr. *Dempſter* makes the Biſhop an Author, and ſays he wrote a Treatiſe

De Tranſlatione D. Margaretæ *Reginæ, & R.* Malcolmi *ejus mariti.*

Robert Abbot of *Dumfermling*.

This Abbot's Sirname was *Keldelacht*; but of what Family or Extraction is not known: But taking himſelf to a Monaſtick Life, he entred a Ciſtertian Monk in the Monaſtry of *Newbottle* (*f*), and took the Habit and Rule of that Order. And, being a Man of good Parts, he was choſen Abbot of *Dumfermling* in the 1241 (*g*), upon the Death of *Galfrid* Abbot of that Monaſtry, and named the Pope's Chaplain (*h*). The Abbot having the Character of a Perſon of Reputation and Integrity, King *Alexander* the III. upon his Acceſſion to the Throne, made him Chancellor *Anno* 1249 (*i*); but he did not long continue in the Office: For in the Year 1250 (*k*), having made a Motion in Council to ligitimate, under the Great Seal of the Kingdom, the King's Baſtard-Siſter, the Wife of *Allan Oſtiarius*, then great Juſticiary, thereby to capacitate her and her Heirs to ſucceed to the Crown, in Failure of Iſſue of the King's Body; For this audacious Attempt ſo great a Diſpleaſure was conceived againſt the Lord Chancellor, that he was not only deprived of his Place, but was alſo put from the Government of his Abbacy: Whereupon he retired from the World, and went to the Monaſtry of *Newbottle*, reſolving thenceforth to devote himſelf to a religious Solitude. Here he continued till the 1269 (*l*), that the Monks of *Melroſs*, to ſoften his Misfortune, choſe him to be their Abbot, and in

(*a*) *Chron. de* Melroſs. (*b*) *Boethius*'s Hiſtory of *Scotland*. (*c*) The Excerpts are in the Lawyers Library at *Edinburgh*. (*d*) Biſhop *Spotiſwood*'s Hiſtory of the Church of *Scotland*. (*e*) *Chron. de* Melroſs. *Obiit* Willielmus *Epiſcopus* Glaſguenſis, *in vigilia Sancti Martini* 1258, not in 1268, as Arch-Biſhop *Spotiſwood*, or the Printer has miſtaken. (*f*) *Chron. de* Melroſs, & Fordun. (*g*) *Chron. de* Melroſs. (*h*) *Charta in Biblioth. Jurid.* Edinburg. (*i*) *Fordun.* (*k*) *Ibidem.* (*l*) *Chron. de* Melroſs.

that Station he continued till his Death in 1272 (*a*). He wrote, (*b*) ſays Mr. *Dempſter*,

De Succeſſione Abbatum de Melroſs. Lib. I.
Florilegium ſpirituale. Lib. I.

Gameline Biſhop of St. *Andrews.*

THIS Prelate was firſt one of the *Clerici Regis*, in the Time of King *Alexander* the II. and Arch-Deacon of St. *Andrews*. Being a Perſon of Character in the Church, he was made Chancellor of *Scotland*, upon the Deprivation of the Abbot of *Dumfermling*, in the Year 1250 (*c*), and he held the Office till *Anno* 1253 (*d*), he was elected Biſhop of St. *Andrews*, not by the *Culdees* the ancient Chapter of the See, but by the Prior and Canons of St. *Andrews*, which the King and his Council did ratifie and confirm (*e*). He was conſecrated on St. *Stephen*'s Day 1255 (*f*), upon a Warrant directed from the Pope to Biſhop *Bondington* of *Glaſgow*, to that Effect. Here he ſat for the Space of ſixteen Years, even till his Death in the Year 1271.

Richard Biſhop of *Dunkeld.*

THIS vertuous and learned Prelate, whoſe Sirname was *Innerkeithing*, in his younger Years applied himſelf to Learning; and, having finiſhed the Courſe of his Studies, he entred into holy Orders, and was firſt a Prebend of *Dunkeld*, if I miſtake not; after that he was preferred to be Lord High Chamberlain of *Scotland* (*g*). While he was in that Station, the Biſhoprick of *Dunkeld* falling void by the Death of *Galfrid*, Biſhop of that See, in 1249 (*h*), he was preferred thereto, and ſoon after conſecrated, but the Day when, I know not.

THE Biſhop being a Perſon of good Reputation for Integrity, King *Alexander*, by a ſpecial Ordinance of his Council, was pleaſed to conſtitute him Chancellor of the Kingdom in the 1256 (*i*), at the ſame Time that *David Lindſay* was made Great Chamberlain, and *Allan Durward* Lord Juſticiary, and who all three were by the Act to continue in their reſpective Offices, for the Space of ſeven Years (*k*). But a Rebellion breaking out quickly thereafter, at the Head of which was *Walter Cuming* Earl of *Monteith*, they ſurreptitiouſly ſeized upon the Great Seal, which the Chancellor had lodged with Mr. *Scuteville* his own Dean (*l*), which they uſed to their own Purpoſes: But the Rebellion being quickly ſuppreſt, and the Peace of the Country reſtored, the Biſhop declined the continuing in the Chancellor's Place, that he might have the fewer Avocations from the Functions of his Epiſcopal Office, whereupon the Great Seal was put into the Hands of Mr. *Wiſeheart* the Arch-Deacon of St. *Andrews*.

BISHOP *Innerkeithing* lived long after this, was a great Benefactor to his Church of *Dunkeld*, as he was alſo to the Abbacy of *Inchcolm* (*m*), the great Choir of which he built upon his own Charge, from the Ground, and finiſhed it right magnificently. He died very aged in the 1272 (*n*), leaving behind him the Character of a Perſon of great Integrity, and remarkable for his Loyalty and Fidelity to his Sovereign (*o*) King *Alexander* the III.

William Biſhop of St. *Andrews.*

THIS Reverend Prelate was deſcended from an ancient Family of the

(*a*) *Chron. de* Melroſs. (*b*) *Dempſter's* Eccleſiaſtical Hiſtory. (*c*) *Chron. de* Melroſs. (*d*) *Ibidem.* (*e*) *Chron. de* Melroſs *a Priore & Conventu St.* And. *eligitur, et a Rege & Conſiliariis Ejus in Epiſcopatum confirmatur.* (*f*) *Spotiſwood.* (*g*) Dr. *Milne's* Lives of the Biſhops of *Dunkeld.* (*h*) *Ib.* (*i*) *Fordun.* (*k*) *Ibid.* (*l*) *Ibid.* (*m*) *Spotiſwood.* (*n*) *Ibid.* (*o*) *Ibid.*

the *Wiſehearts* in the County of *Kincardine*, where they were early ſeated, and long continued in Luſtre; our Prelate was from his Youth brought up in all the Parts of Literature, ſo as to qualifie him for the Service of the Church, to which it would appear, he had early devoted himſelf. Having gone thro' a Courſe of Study, he took Holy Orders, and was quickly thereafter made Arch-Deacon of St. *Andrews*(*a*), and Chancellor of the Kingdom, upon the Removal of the Biſhop of *Dunkeld* from the Office (*b*) 1256.

In the 1268, The Lord Chancellor was elected Biſhop of *Glaſgow* on the Death of Biſhop *Cheyne*, not Biſhop *Moffat*, as a learned and Reverend Hiſtorian hath Miſtaken (*c*); but while he was only Elect of that Church, the Epiſcopal See of St. *Andrews* falling void by the Death of Biſhop *Gameline*, he was poſtulated thereto; but by Reaſon of a Schiſm in the Papacy, in the Time of Pope *Urban* the 4th (*d*), he was not conſecrated for full four Years thereafter. At Length, at the Inſtances of *Edward* Prince of *England*, with Pope *Gregory* the Tenth (*e*), he directed a Warrant for his Conſecration, which was performed at Scoon with great Solemnity in 1274, the King and a great Confluence of the Nobility being preſent (*f*), at which Time, he reſigned the Chancellor's Place, whereupon, the Great Seal was put into the Hands of Mr. *Fraſer* then Dean of *Glaſgow* (*g*), afterward the celebrated Biſhop of St. *Andrews*.

Shortly after this, the Biſhop went to the general Council at *Lions* (*h*). After his Return he lived not long, for being imployed in a Commiſſion to the Border, to treat with the *Engliſh* upon ſome Matters of State, he ſickned at *Morbottle*, and there died in the 1279 (*i*), having ſat in the See not fully ſix Years. His Body was interred in his own Cathedral nigh the High Altar. He is characterized by a Reverend Hiſtorian, to have *Been a Man careful in his Charge, and a great Lover of Peace no Virtue*, adds my learned Author, *more required in a Church-Man*.

William Biſhop of St. *Andrews*.

This Noble Prelate was a Son of the Illuſtrious Houſe of the *Fraſers*, Lords of *Oliver-Caſtle* in the County of *Tweeddale*, where no doubt he was born: Being a younger Brother, he devoted himſelf to the Service of the Church, and taking Holy Orders, was not long thereafter made Dean of *Glaſgow* and Rector of *Cadiow* (*k*). His great Merit join'd to his illuſtrious Birth, induced the King *Alexander* the III. to promote him to be Chancellor of the Kingdom, on the Removal of the Elect Biſhop of St. *Andrews* from the Office, and continuing in the good Graces of the Court, he was at Length advanced to the Epiſcopal See of St. *Andrews*, then void by the Death of Biſhop *Wiſeheart*, to which he was elected *pridie Nonas Auguſti* 1279 (*l*). *excluſis*, ſays my Author, *Keledeis, ſicut in Electione præcedenti*, and was conſecrated at the Court of *Rome* by Pope *Nicholas* the III. *decimo quarto Calend. Junii Anno Gratiæ* 1280 (*m*). When he came to the See, he purchaſed the Priory of the Iſle of *May* in the Firth of Forth, from the Abbot of *Reading* in *England*, which he annexed to the Biſhoprick, and about the ſame Time, he quitted the Chancellor's Place, which was thereupon conferred on Sir *Thomas Charters*.

Upon the deplorable Death of King *Alexander* the III. in 1285 (*n*), the Biſhop of St. *Andrews* being a Perſon of great Reputation for Conduct and Integrity, was by the E-

(*a*) Biſhop *Spotiſwood*. (*b*) *Reliquiæ Sancti Kentigerni* M. S. *penes me* (*c*) *Spotiſwood*. (*d*) *Ibidem*. Hiſtory of the Church of *Scotland*. (*e*) *Spotiſwood*. (*f*) *Ibidem*. (*g*) *Ibidem*. (*h*) *Ibidem*. (*i*) *Ibidem*. And *Fordun*, *quarto Calendas Junii*. (*k*) Arch-Biſhop *Spotiswood*, & *Reliquiæ Sancti Kentigerni de Glaſgu*. M. S. *penes me*. (*l*) *Johan. de Fordun Scoti Chron*. (*m*) *Ibidem*. (*n*) *Buchanan*.

ſtates of the Kingdom choſen one of the Lords of the Regency during the Nonage of the Infant Queen *Margaret* (*a*), upon whoſe immature Death in 1291, the Biſhop yielded a forced Submiſſion to *Edward* I. of *England*, as moſt of the Nation did: But as Fear and Force are ſeldom obſerved to be laſting Principles, it was not long before our Prelate changed his Mind, and did all he could in his Station to influence his Country-Men to throw off the *Engliſh* Yoke, and to redeem their Country from the Tyrrany it was under. But the Affairs of the Kingdom growing ſtill more and more perplexed, That he might not be an Eye Witneſs to the Calamities of his Country, he retired beyond Sea to *Frante* (*b*). The News of the Diſaſters he heard every Day befel *Scotland*, ſat heavy on his Spirits, and affected him ſo deeply, that it was believed to have contributed not a little to the languiſhing he ſoon fell under, which ended in his Death a Year or two thereafter. He died at *Arteville* on the 13th of the Calends of *September* 1297 (*c*), his Body was interred in the Predicants Church at *Paris*, and his Heart, which was incloſed in a very rich Shrine, was afterward brought over to *Scotland* by his immediate Succeſſor Biſhop *Lamberton*, and intombed in the Wall of the Cathedral Church of St. *Andrews*, out of a pious Regard to the Memory of his worthy Predeceſſor.

Sir *Thomas Charters.*

UPON the Authority of our ancient and venerable Hiſtorian Mr. *Fordun*, I Inſert this Gentleman in the Liſt of the Chancellors, having never found him mentioned in any Deed or Record, neither know I when he was advanced to the Office, only, that he behoved to ſucceed Biſhop *Fraſer* of St. *Andrews*: All that we have concerning him is, That in the 1283, he was joined in a Commiſſion of Embaſſy to *France*, with Sir *Patrick Graham*, Sir *William Sinclair*, and Sir *John Soulis* to negotiate a Marriage betwixt the King and *Joleta* Daughter to the Count de *D' Ew* (*d*), which was happily effected, and quickly thereafter the Lady was brought home and married to the King.

Allan Biſhop of *Caithneſs.*

THIS Prelate, whom the right Reverend Biſhop *Spotiſwood* has altogether omitted out of his Liſt of the Biſhops of this See, was both, by his Birth and Breeding, an *Engliſh* Man, of the Sirname of St. *Edmunds* (*e*). He was preferred to the Biſhoprick of *Caithneſs*, at fartheſt in the Year 1290; for then he is one of the *Scots* Biſhops, who concurred with the Lords of the Regency in writing to the King of *England*, and in propoſing a Marriage betwixt the Prince his Son, and *Margaret* the young Queen of *Scotland* (*f*), and how ſoon a Marriage was ſet on Foot, for that Purpoſe our Prelate was joined in Commiſſion with Biſhop *Wiſeheart* of *Glaſgow*, and Sir *John Cuming*, to negotiate that important Affair (*g*), which they agreed to, and concluded on Terms of Advantage enough to *Scotland*, had that Union taken Effect: But all that Negotiation quickly evaniſhed by the Death of the young Queen in a very little Time thereafter, which was an inexpreſſible Grief and Loſs to the Nation.

IN the 1291, the Lords of the Regency of *Scotland* having named the Biſhop of *Caithneſs* Chancellor of the Kingdom, he was confirmed in the Office by King *Edward* I. of *England*, *as direct and ſuperior Lord of* Scotland, as he called himſelf, and had the Great Seal delivered to him *Die* Martis *in Craſtino Sancti* Barnabæ *Apoſtoli* 1291 (*h*), and the ſame Day he took the Oath of the Office, *Corporale præſtitit juramentum Evangeliis, Officium Cancellarii prædicti Regni ſibi*

(*a*) Rymer's *Fœdera Anglia.* (*b*) *Fordun.* (*c*) *Ibid.* (*d*) *Ibid.* (*e*) Mr. *Rymer's* Fœdera *Anglia.* (*f*) *Ibid.* (*g*) *Ibid.* (*h*) *Ibid.*

ſibi per Regem Angliæ, *ut ſuperiorem & directum Dominum ejuſdem Regni* Scotiæ, *conceſſum, ſecundum Leges & conſuetudines ipſius Regni, fideliter ſe gerere (a).* But King *Edward* it ſeems had not an intire Confidence in the Biſhop, for he thought fit to join a Clerk of his own, *Walter Agmundeſham*, in the Office with him; and thereupon the foreſaid King directs a Warrant and Mandate to Sir *Alexander Baliol* Lord Chamberlain of *Scotland*, to pay to the Biſhop, the Chancellor, twenty Merks a Month, and ten Merks to Mr. *Agmundeſham* his Colleague, commencing from the Day of their Entry to the Office, *in ſubventionem*, ſays my Authority (*b*), *expenſarum ſuarum in Officio prædicto, quamdiu ſteterint in Officio, donec aliud ordinatum (c).* After this the Biſhop continued in the Chancellor's Place till his Death in the 1292 (*d*).

Allan *de* Dunfres, Parſon of *Dunbarton.*

MR. *Dunfres*, being bred to the Church, took holy Orders, and was not long thereafter made Parſon of *Dunbarton* (*e*), and after that was conſtituted Chancellor of *Scotland*, by the Approbation of King *Edward* I. of *England*, who behaved, at that Time, as direct and ſuperior Lord of *Scotland*. I have ſeen a Warrant and Mandate directed to him as Chancellor, to expede, under the Great Seal, a Diſcharge to Sir *William Maule* of *Panmure*, of a Part of his Relief due to the Crown (*f*), which I ſhall here inſert in the original Stile;

Rex, et Superior Dominus Regni Scotiæ, *dilecto Clerico ſuo Magiſtro* Allano *de* Dunfres, *Cancellario* Scotiæ, *ſalutem. Quia de centum viginti et duabus libris, et decem ſolidis, in quibus dilectus et fidelis noſter* Willielmus *de* Maulea *de* Panemore, *in* Scotia, *nobis tenebatur pro Relevio ſuo, pardonavimus eidem* Willielm. *quater viginti et duas libras et decem ſolidos, et de reſiduis quadraginta libris, conceſſimus ei, quod reddat nobis per manum Camerarii* Scotiæ *ad Feſtum Sancti* Martini *in hyeme proximo futur. viginti* Marcas, *et ad Feſtum* Pentecoſtes *proximo ſequens, viginti* Marcas, *et ad Feſtum Sancti* Martini *in Hyeme proximo ſequens, viginti* Marcas. *Vobis mandamus, quod prædicto Camerario, per literas noſtras Sigillo Regimini Regni* Scotiæ *deputato Signatas, detis in mandatis, quod prædicto* Willielmo, *de prædictis quadraginta Libris terminos illos habere, et ſic fieri et irrotulari fact. Teſte Rege apud* Berwyk *ſuper* Twedam XI*mo. die* Julii.

Nicolaus Biſhop of *Dumblain.*

THE Sirname of this Prelate was *Balmule*, of which there were ſeveral Perſons of Character at that Time. Being bred to Learning, he was firſt Clerk in the Monaſtry of *Arbroath*, and then Parſon of *Caldar* (*g*); at Length the Biſhoprick of *Dumblain* falling to Vaik, by the Death of *William* Biſhop of that See, he was preferred thereto, and made Chancellor (*h*). He died in the 1319.

Bernard Abbot of *Arbroath.*

THIS worthy Abbot was extracted, as I take it, from the Ancient Family of *Linton* of *That-Ilk*, in the *South*. Having, from his Youth, applied himſelf to the Studies of *Philoſophy*, and Divinity, he entred into holy Orders, and was quickly thereafter made Rector of *Mordington* (*i*). His eminent Qualifications being much taken Notice of, he was, at Length, choſen Abbot of *Arbroath* about the 1303.

THE Abbot being eſteemed a Perſon of great Learning and Integrity,

(*a*) *Rymer.* (*b*) *Ibid.* (*c*) *Ibidem.* (*d*) *Pryne's* Collections. (*e*) Rymer's *Fœdera* Angliæ *ad* Annum 1296. (*f*) *Ex Rotulo* Scotiæ *in Turri* Londini, copied from the Original by a Perſon of Honour, and a Lover of Antiquities; it is dated the 20th of *Edward* I. and atteſted by Mr. *Holmes*, the preſent Keeper of the Records. (*g*) *Rymer's* Fœdera. (*h*) In the Chartulary of *Arbroath*, in the Hands of a Noble Perſon, this Biſhop quit Claims and Diſcharges to *Bernard* Abbot of *Arbroath*, and the Convent, ſome Arrears of his Fees, *tempore quo extitit Clericus Monaſterii de* Arbroath, *ac etiam ratione Feodi ſui, tempore quo fuerat Cancellarius* Scotiæ. (*i*) Rymer *ad* Annum 1296.

grity, and fit for the Adminiſtration of publick Affairs, King *Robert* I. preferred him to be Lord High Chancellor of *Scotland*, his Loyalty, Learning, and Merit recommending him to the King's Favour.

THE Chancellor having always a large Share in the King's Eſteem, it may be reaſonably preſumed, he had a very conſiderable Part in the Direction of Affairs, both in Church and State, and had a particular Influence in procuring a Paper to be written and ſealed by moſt of the Nobility, and the greater Barons of *Scotland*, at his Monaſtry of *Arbroath*, drawn up by Way of a Letter to the Pope; In which they informed him of the Origine of the Nation, of their early Inſtitution into Chriſtianity, of the Conſtitution of their Government, of the great Value they had for the *Roman* See, and what Sentiments they had of their Sovereign King *Robert*, their great and glorious Deliverer, who had ſo eminently and ſignally redeemed them from Tyranny, and the Yoke of a Foregin Power. The Whole of this Noble Letter being well worth the Peruſal of every *Scots* Man, it is to be met with in the Appendix, taken from an Original Copy in the publick Archives.

THE Chancellor being inveſted with a Preferment agreeable to himſelf, his own Modeſty in declining other Promotions, is preſumed to be the Cauſe, that the King did not advance his favourite Chancellor to a higher Dignity in the Church; however, he long held the Great Seal, and acquitted himſelf in the Diſcharge of his Office, with Conduct and Integrity, for the Space of about one and twenty Years, even till his Death in the 1327.

Dr. *Walter Twynam*, Canon of *Glaſgow*.

THIS Gentleman being extracted from a good Family of his Name, *(a)* was from his Youth bred to the Church, and entring into Holy Orders, was made a Canon of *Glaſgow*, *(b)* and quickly thereafter, proceeded Dr. of both the Laws. King *Robert* diſcerning Dr. *Twynam* to be a Man of Parts and fit for Buſineſs, join'd him in a Commiſſion of Embaſſy to *England*, in the 1323, to treat about a perpetual Peace betwixt the two Nations, which before the End of the Year was concerted and finally concluded *(c)*. The Dr. having acquitted himſelf in the Negotiation to the Satisfaction of his Royal Maſter, he was again, in the 1325, with divers others, ſent to *France*, to renew the former Alliances betwixt the two Kingdoms, and alſo of entring into new ones, the Commiſſion runs: *Ad tractandum ſuper quibuſcunque Confœderationibus ineundis &c.* Purſuant to which, a League offenſive and defenſive was concluded, betwixt King *Robert* of *Scotland*, and *Charles* IV. of *France* (*d*), which was kept inviolable for many Ages thereafter.

DR. *Twynam* having been as ſucceſsful in this Negotiation with *France*, as he was in the former with *England*, was upon his Return preferred to the Chancellor's Place in the 1327, upon the Death of the old Abbot of *Arbroath* (*e*), tho' ſome doubt if ever he was Chancellor till King *Davids* Time; yet 'tis certain, he held ſome ſhort While the Office under King *Robert*: For by a Charter under the Great Seal, King *Robert* ratifies and confirms, *Donationem illam quam* Willielmus *de* Maule *Miles*, *Dominus de* Panmore, *fecit* Radulpho *de* Dundee *Militi*, *de Terris de* Benvy & Balruthery, *cum Advocatione Eccleſiæ ejuſdem et omnibus juſtis pertinentiis ſuis.* The Charter is dated at *Dundee April* 4th the twentyfourth Year of the King's Reign *(f)*, *coram his teſtibus*, Waltero *de* Twynam, *Cancellario noſtro*, Thoma Randolph. *Comite Moraviæ*, *Domino Vallis*-Annandiæ, & *Mannie nepote noſtro*, Jacobo *Domino de* Douglaſs

(*a*) *Charta penes me.* (*b*) *Charta in publ. Arch.* (*c*) *Rymer.* (*d*) *Charta in publ. Arch.* (*e*) Chartulary of *Arbroath.* (*f*) Peerage of *Scotland*, Article, Earl of *Panmure.*

Douglaſs, Gilberto *de* Hayia, *Conſtabulario noſtro*, Roberto *de* Keith, Mariſcallo *noſtro*, & Roberto *de* Boyde, *Militibus*.

When King *David* the II. came to the Throne, Dr. *Twynam* was continued in the Chancellor's Place: For there is a Bull ſent to *Scotland* by Pope *John* XXII. in the 14th of his Pontificate (*a*), directed Johanni *Epiſcopo Moraviæ*, Jacobo *Archidiacono Sancti* Andreæ, & *Magiſtro Waltero de* Twynam, *Cancellario* Scotiæ, & *Canonico* Glaſguen. relative to the Ceremonial of the Coronation of the young King, which is the laſt Buſineſs I have found the Chancellor concerned in. 'Tis likely, that upon the breaking out of the War, which quickly enſued, he retired beyond Sea, as many other Church-Men did, for the Security of his Perſon, and there ended his Days.

Sir *Thomas de Carnotto.*

The Sirname of *Carnotto*, which we engliſh *Charters*, is very ancient with us. *Walterus* de *Carnotto*, in the Time of King *William*, gave *Eccleſiæ Sanctæ* Mariæ *de* Kelſo, & *Monachis Ibidem Deo ſervientibus*, *Eccleſiam de* Traverflatt, & *Eccleſiam de* Drumeryoch; which is afterward confirmed in the Time of King *Alexander* III. *Anno* 1266, by Robertus *dictus de* Carnotto *Miles*, *Filius & Hæres* Thomæ *de* Carnotto, *Filii & hæredis* Walteri *de* Carnotto, *pro ſalute animæ ſuæ* &c (*b*). Sir *Thomas* the Chancellor, by the Identity of the Sirname, ſeems to be deſcended of theſe Anceſtors, and being a Gentleman of more than ordinary Parts, and intirely in the Intereſt of King *David Bruce*, he was, immediately upon the Kings Return from *France*, in the 1342, made Lord Chancellor of the Kingdom, and had the Honour of Knighthood conferred on him (*c*). Sir *Thomas* de *Carnotto* the Chancellor is in the firſt publick Act and Deed of the Kings, whereby he created Sir *Malcolm Fleming* Earl of *Wigtoun*, as the Reward of his great Loyalty and Merit. The Erection Charter is to be ſeen in the Peerage.

Soon after this, the Lord Chancellor was joined in a Commiſſion with the Earl of *March*, the Biſhop of *Brechin*, and Sir *William Douglaſs*, to treat with the *Engliſh* about a Truce betwixt the two Nations (*d*), after which he held the Chancellor's Place, till he loſt his Life in the Service of his Country at the Battle of *Durhame*, on the 17th of *October* 1346 (*e*). Of this Sir *Thomas* de *Carnotto* the Lord Chancellor, did the Family of the *Charters*'s of *Congour*, afterward ſtiled of *Kinfauns* in *Perth* Shire, lineally deſcend.

Mr. *William Cauldwell.*

This Gentleman ſeems to have been a Branch of an ancient Family of his Name in *Renfrew* Shire (*f*), where they had been long ſeated, and which, about this Time, went away from them by an Heir Female, who was married to *Gilchriſt More*, Son of Sir *Reginald More*, Lord of *Abercorn* (*g*), and Lord High Chamberlain of *Scotland*. He was the Original Anceſtor of the Ancient Family of the *Mores* of *Cauldwell*, who have ever ſince flouriſhed in the County foreſaid, and ſtill continue there with Luſtre.

Mr. *Cauldwell* being bred to Learning, commenced Maſter of Arts; and proceeding in the Study of *Theology*, he took Holy Orders, and was not long thereafter made a Prebend of *Glaſgow*, and Lord Chancellor of the Kingdom, upon the Death of Sir *Thomas de Carnotto*, tho' I have not found him earlier in the Office than 1349 (*h*), two Years after the Death of his Predeceſſor.

When King *David* came home from *England*, where he had been above two Years a Priſoner, ever ſince the Battle of *Durhame*, to try

(*a*) The original Bull is in the Records. (*b*) Chartul. of *Kelſo*. (*c*) *Carta penes Comitem de* Wigtoun. (*d*) Rymer *ad Annum* 1342. (*e*) Fordun. (*f*) *Charta penes* Will. More, *de Cauldwell*. (*g*) Chartulary of *Cambuskenneth*. (*h*) *Charta penes Dom.* Torphichen.

how his Preſence would work upon the Nation, to contribute toward his Releaſement; no Body ſeems to have been more forward for the Service in Hand, than the Lord Chancellor: For in the Parliament which was held in *Dundee* for that End, where he was preſent, and probably preſided, the Eſtates went very great Lengths toward the Redemption of the King (*a*), which may be reaſonably ſuppoſed, was not a little owing to the Lord Chancellor's Influence, who appears to be a Man of Loyalty and Learning (*b*), and well knew how to put a due Value upon the Sacred Perſon of his lawful Sovereign; and judged nothing was too dear for the Kingdom to give, to work the Relief of the King, upon whom all their Happineſs and Security depended. After this we hear little or no more of the Chancellor in any of the publick Tranſactions betwixt the two Nations, which indeed were very frequent in that Time, about the adjuſting the ſeveral Payments of the King's Ranſom; perhaps he was overtaken by Death before the Treaty was finally concluded; and this Conjecture is the more likely, that had he been preferred to any higher Office, or Function in the Church, he would very readily have been mentioned as a Commiſſioner in ſome one or other of the publick Acts of State, during the Progreſs of theſe Negotiations, which indeed he is not.

Patrick Biſhop of *Brechin*.

Biſhop *Leuchars*, for this was his Sirname, was deſcended from an ancient Family in the County of *Fife*, where probably he was born. Being a younger Son, he was bred to Learning, in a View of the Service of the Church, and taking Holy Orders, he was made Rector of *Tinninghame* (*c*), which was the firſt Step he made into the Church.

Mr. *Leuchars* being a Man of great Parts, Learning and Merit, he was preferred to the Epiſcopal See of *Brechin*, upon the Death of *Adam* Biſhop of that See, *Anno* 1354 (*d*), and made Lord high Chancellor of the Kingdom. The ſame Year he was one of the Commiſſioners authoriſed to treat with the *Engliſh* about the King's Redemption (*e*), (who, as has been obſerved, had been taken Priſoner at the Battle of *Durhame*,) and afterward was continually employed about adjuſting the ſeveral Payments of the Ranſom, which at length happily terminated in the King's Reſtauration, *Anno* 1358 (*f*): After this the Biſhop held the Chancellor's Place for the Space of twelve Years, that he reſigned the Great Seal, which was immediately put into the Hands of Doctor *John Carrick* (*g*). He died in the Year 1376.

Dr. *John Carrick*, Canon of *Glaſgow*.

The firſt of the Sirname of *Carrick* to be met with upon Record, was *Roland* de *Carrick*, who being much in the Favour of *Neil* Earl of *Carrick*, had by a Grant from him the hereditary Bailliary of that Earldom, the leading out and commanding the Men of the County in the Time of War under the Earl, and the appointing him and his Heirs to be Judges and Arbiters in all Matters of Diſpute, which ſhould thenceforth fall out amongſt their Friends and Kindred: All which Privileges King *Alexander* did ratifie and confirm to him by this Charter.

Alexander *Dei Gratia Rex* Scotorum, *omnibus probis hominibus totius Terræ ſuæ, ſalutem. Sciatis, nos con-*

(*a*) Mr. *Rymer's Fœdera Angliæ.* (*b*) The *Literati* obſerve, That the Title of *Magiſter* was at that Time given only to the moſt Eminent Scholars, and to Men of the moſt polite Parts and Learning. (*c*) He, *Patrick* de Leuchars, *Rector de* Tinninghame, is Witneſs in a Confirmation, by *William* Biſhop of St. *Andrews*, of the Church of *Pancaitland* to the Monks of *Dryburgh*, *penes Dominam* Catharinam Stewart *Dominam* Cardroſs. Likewiſe a Charter I have ſeen wherein he is deſigned *Pat. de Leuchars*, Epiſcopus *Brichenen. In Bib. Jurid.* Edinb. (*d*) Memoirs of the Biſhops of *Brechin* Manuſcript, *penes me.* (*e*) *Rymer.* (*f*) *Ibidem.* (*g*) *Chartæ in pub. Archivis ad Annum* 1370.

conceſſiſſe, & hat præſenti carta noſtra confirmaſſe, conceſſionem illam, & donationem illam, quam Nigellus, *Comes de* Carrick, *fecit* Rolando *de* Carrick *& hæredibus ſuis, vidz. ut dictus* Rolandus *& hæredes ſui ſint Caput totius Progenii ſui, tam in calumniis, quam in aliis articulis & negotiis ad* Kenkynol *pertinere valentibus, una cum Officio Baliatus prædictæ Terræ, & hominum ipſius ductione, in omnibus ſub-Comite qui pro tempore fuerint, adeo libere & quiete, ſicut in carta ipſius* Nigelli, *præfato* Rolando *& hæredibus ex inde confecto, plenius continetur, ſalvo jure cujuslibet. His teſtibus,* Alexandro Seneſcallo *Scotiæ,* Jacobo *filio ſuo,* Ricardo *de* Suintona. *Datum apud* Strivelyne, *20mo Die* Januarii, *Anno Regni noſtri viceſimo ſeptimo* (*a*).

Sir *Gilbert Carrick* Knight, Succeſſor to *Roland*, was much in the *Engliſh* Intereſt in the Time of the War, after the Abdication of King *John*, and did all he could to oppoſe King *Robert* the *Bruce*, which the King was ſo merciful as to forgive by his ſpecial Grace and Favour, by a Remiſſion under the Great Seal, whereby he declares, *Quod nos ex Gratia noſtra ſpeciali, communi conſenſu noſtri ſani conſilii, totaliter ex corde remiſiſſe* Gilberto *de* Carrick *militi, omnem animi rancorem, quem erga eundem concepimus, ratione quod caſtrum noſtrum de* Lochdons, *per* Arthurum *generum ſuum in manibus Anglicorum, & traditionis Caſtri* Chriſtopheri *de* Seton *generi noſtri prædilecti, ſibi imput. licet minus vere ut intelleximus; concedentes etiam* Gilberto *& hæredibus ſuis, ſanum ſtatum de omnibus & ſingulis terris, & tenementis ſuis, cum omnibus libertatibus, commoditatibus, ac juſtis pertinentiis, tam in officiis exercendis quam in eſchetis quibuſcunque levand. prout prædictus* Gilbertus, *vel anteceſſores ſui, liberius ſeu commodius ab aliquo tempore poſſeſſionem habuerunt in præmiſſis.*

Mr. *Carrick* the Chancellor ſeems to be of this Family by his Name. In his Youth he applied himſelf to the Study of *Philoſophy* and *Divinity*; and entering into Orders, he quickly got a Canonry in the Church of *Glaſgow*, under Biſhop *Rae*, aſſoon as the 1363 (*b*). Being eſteemed a Perſon of Parts, and Capacity in Buſineſs, he was the ſame Year ſent to the Court of *England*, to negotiate the Ranſom of King *David*, who was then a Priſoner in that Kingdom, *Pro quibuſdam negotiis*, ſays my Authority, David *de* Bruce *concernentibus* (*c*). After his Return, he was made Secretary, and Keeper of the Privy Seal, upon the Promotion of Dr. *Walter Wardlaw*, Arch-Deacon of *Lothian*, to the Epiſcopal See of *Glaſgow* (*d*); and, at Length, promoted to be Chancellor of the Kingdom, in Place of Biſhop *Leuchars* of *Brechin* in the Year 1370 (*e*). That Mr. *Carrick* was Chancellor before the Death of King *David*, is plain from a Letter of ſafe Conduct from the King of *England*, whereby he takes *in ſalvum & ſecurum conductum, ac protectionem & defenſionem, reverendum virum* Johannem *de* Carrick, *Cancellarium Fratris noſtri* Scotiæ, *& viginti perſonas, equites, de comitiva ſua in noſtra Regna* Franciæ & Angliæ, *& alibi, ubicunque infra poteſtatem & Dominia noſtra* (*f*). Upon the Death of King *David*, the Chancellor quickly got into the Favour of his Succeſſor *Robert* II. ſo that he was by him continued in the Chancellor's Place, and he held the Office for the Space of five Years (*g*), even till his Death in 1376.

John Biſhop of *Dunkeld.*

This Prelate, by his Sirname, which was *Peeblis* (*h*), ſeems to have been mean and obſcure as to his Extraction. But being born of honeſt Parents, who were able to give him Education in the Schools of Learning; and having run thro' a Courſe of Grammar and Philoſophy, he took

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(*a*) Charter in the publick Records ingroſſed and confirmed to *John Kennedy*, in a Charter of King *Robert* II. *apud* Air, *primo die* Octobris, *Anno Regni ſui ſecundo.* (*b*) *Rymer*'s Collections. (*c*) *Ibidem ad* Annum 1363. (*d*) *Ibidem, & Reliquiæ Sancti Kentigerni*, M. S. *penes me.* (*e*) *Ibidem.* (*f*) *Ib.* (*g*) *Chartæ in pub. Archivis.* (*h*) Abbot *Miln*'s Lives of the Biſhops of *Dunkeld*, and Mr. *Rymer*'s Collections *ad Annum* 1377.

his Degrees in Arts (*a*). Afterward applying himself to the Study of Divinity, he took holy Orders, and was not long thereafter made a Canon of *Glaſgow*, and continuing to purſue his Studies in the Civil and Canon Law, he commenced Doctor in theſe Faculties.

In the 1373 Doctor *Peeblis* drew up the famous Act of Parliament, recognizing King *Robert*'s Title to the Crown, and ſettling the Succeſſion upon the Earl of *Carrick*, and the King's other lawful Sons (*b*). By this Means his Eminent Qualifications began to be taken Notice of, inſomuch as King *Robert* thought fit to imploy him in ſeveral Negotiations of Importance (*c*), which he diſcharged with Diſcretion, Conduct, and Sufficiency.

Not long after this, he was preferred to the Arch-Deaconry of St. *Andrews*, and conſtituted Lord Chancellor of *Scotland* in 1377 (*d*); and the ſame Year the Biſhoprick of *Dunkeld* falling to Vaik, by the Death of Biſhop *Monimuſk*, he was preferred thereto, and conſecrated according to ancient Form ſoon thereafter. Here he exerciſed his Function till his Death in the 1396 (*e*). Doctor *Miln* ſays of Biſhop *Peeblis*, That he was *Vir magnarum Authoritatis ac Literarum*; and adds, *Fieri fecit vitream feneſtram, Orientali Chori* Dunkeld *diverſis Imagynibus vitreo albo pictis decoratam.*

Mr. *Duncan Petit*, Arch-Deacon of *Glaſgow*.

What was the Extraction or Parentage of this Man, I could not be informed; but being bred to Letters and in Holy Orders, he came to be Provoſt of the collegiate Church of *Kirkheugh*, called *Sanctæ Mariæ de Rupe* at St. *Andrews*. Under the Title of *Præpoſitus Sancti Andreæ*, he is a Commiſſioner, on the Part of *Scotland*, for a Truce, which was then agreed to by the *Engliſh*, in the 1384 (*f*): After this he was preferred to the Arch-Deaconry of *Glaſgow*, and named Chancellor of *Scotland*, upon the Death of Biſhop *Peeblis*.

The Lord Chancellor is a Witneſs in the Erection Charter of the Regality of *Paiſly*, to the Abbot and Convent of that Monaſtry, by King *Robert* III. *Anno* 1396. (*g*) Quickly after this, the Arch-Deacon was outed of the Office, (*h*) which was given to Biſhop *Greenlaw* of *Aberdeen*.

Gilbert Biſhop of *Aberdeen*.

Biſhop *Greenlaw* was deſcended of an ancient Family of his Name in the County of *Berwick*, where he received his firſt Breath. Having from his Youth applied himſelf to the Study of *Grammar* and *Philoſophy* in the Schools of Learning, he turned his Thoughts to the Study of *Theology*, and at length took Holy Orders; but what was his firſt Step toward Preferment in the Church, Mr. *Boyce* our Hiſtorian, who has written the Lives of the Biſhops of *Aberdeen*, has not taken Notice of it, neither could I otherwiſe diſcover it. But being a Perſon eſteemed fit for the Epiſcopal Function, he was promoted to the Biſhoprick of *Aberdeen*, in the 1390, then void by the Death of Biſhop *Cuninghame*, (*i*) and having the Character of a Man of Learning and Prudence, he was by King *Robert* III. conſtituted Lord Chancellor of the Kingdom, upon the Removal of the Arch-Deacon of *Glaſgow* from the Office in 1396 (*k*). Theſe Preferments he obtained by the King's Favour, who always highly eſteemed him, and as a Mark of his ſpecial Reſpect, made the Biſhop a Preſent of a Silver Crucifix, *Crucem Argenteam, in qua continetur quædam Pars Ligni, Crucis Beati* Andreæ *Apoſtoli*,

(*a*) Rymer *ad Annum* 1369. (*b*) *Charta in pub. Archivis.* (*c*) *Rymer.* (*d*) *Ibidem ad Annum* 1377. (*e*) Dr. *Miln*'s Lives of the Biſhops of *Dunkeld.* (*f*) *Rymer.* (*g*) Chartul. of *Paiſly*, *penes Comitem de* Dundonald. And in the Chartul. of the Biſhoprick of *Aberdeen*, Mr. *Petit* the Chancellor is a Witneſs, in a Charter of the Date 11th *October* 1395, *in Bib. Juvid. Edin.* (*b*) *Boetius* in Vitis Epiſcoporum *Aberdonen.* (*i*) *Ibid.* (*k*) In the Chartulary of *Melroſs* in a Charter to that Convent, by King *Robert* III. of the Date the laſt of *Auguſt* 1396, *Gilberto* Epiſcopo *Aberdonen. Cancel.* is a Witneſs.

ſtoli, (*a*) which was thought a very valuable Relict at that Time.

THE firſt publick Employment the Chancellor had beſide the Affairs of his own Function, was, an Embaſſy which was ſent by the Duke of *Albany*, the Regent, to *Charles* VII. of *France*, (*b*) to renew the old League, betwixt the two Nations, and to enter into ſuch new ones, as might be of publick Benefit and Advantage to both Kingdoms. Upon his Return he retired to his Dioceſs, and that he might have the more Time to beſtow upon the Duties of his Epiſcopal Office, he quitted the Great Seal, which was thereupon given to Sir *John Forreſter* of *Corſtorphine*, (*c*) and he died not long thereafter, in the Year 1424. His Body was interred in the Choir of the Cathedral Church of *Aberdeen*.

William Biſhop of *Glaſgow*

WAS the Son of Sir *Allan Lauder* of *Haltoun* by *Alice* his Wife, a Lady of the illuſtrious Family of the *Campbell*s. (*d*) Being a younger Brother, he was from his Youth bred to Learning, in a View of the Service of the Church, and taking Holy Orders, he had the Arch-Deaconry of *Lothian* conferred on him, by Biſhop *Wardlaw* of St. *Andrews*, which was his firſt Step to Eccleſiaſtical Promotion.

IN the 1405, Mr. *Lauder* the Arch-Deacon of *Lothian* went to *England*, (*e*) very probably in Order to compleat a Treaty, that ſometime had been ſet on Foot betwixt the two Nations, but what unforeſeen Event prevented its taking Effect, I cannot tell, my Authority for this is, a ſafe Conduct granted by the King of *England*. *Magiſtro* Willielmo Lauder, *Archidiacono* Laudoniæ, *veniendo in Regnum* Angliæ, *penes præſentiam Regis, pro quibuſdam negotiis expedien-dis. Ibidem morando, & exinde verſus partes ſuas proprias redeundo &c.* About three Years after this, the Epiſcopal See of *Glaſgow* falling vacant by the Death of Biſhop *Glendonning*, *Anno* 1408, he was preferred thereto, merely by the Proviſion of Pope *Benedict* XIII. who ſet up for Pope at *Avignion*, in Oppoſition to *Gregory* XII. at *Rome*, (*f*) and not by the Election of the Chapter according to ancient Cuſtom, which Arch-Biſhop *Spotiſwood* ſays, *Was never practiſed in that See before.*

UPON the Acceſſion of *Murdack* Duke of *Albany* to the Adminiſtration of the Government, by the Death of his Father, Biſhop *Lauder* was made Lord Chancellor, upon the Removal of the Biſhop of *Aberdeen* from the Office, in 1423; and the ſame Year, when the Duke Regent ſet a Treaty on Foot for the releiving of the King, *James* I. who had been long kept a Priſoner in *England*, the Biſhop of *Glaſgow*, the Lord Chancellor was the firſt in the Commiſſion, who had the Honour to be employed in negotiating that important Tranſaction, which in a few Months thereafter, happily terminated in the King's Redemption. Here I cannot, nor indeed ought I to paſs over the ſtrange Miſtake Mr. *Boetius* and other *Scots* Hiſtorians have fallen into, in taking the Freedom, as it were at Random, to name Ambaſſadors who tranſacted this Matter; for 'tis plain, that there is not ſo much as one of thoſe they name, in the leaſt concerned in the Treaty. That which will clear this Point to a Demonſtration, and ſet this Affair in a true Light, is, the Commiſſion to the Plenipotentiaries themſelves, which I ſhall here inſert; (*g*) at leaſt ſo much of it, as is fit for my Purpoſe.

(*a*) Chartulary of the Biſhoprick of *Aberdeen*; The Gift is under the King's Seal at *Eliotſtoun*, 4th *May*, *Anno Regni ſui* 14. (*b*) *Boetius*, and *Spotiſwood*, (*c*) *Carta in pub. Archivis.* (*d*) *Ibid.* (*e*) Mr. *Rymer*'s Collections, *ad Annum* 1405. (*f*) *Fordun*, and the Life of Arch-Biſhop *Chichle* of *Canterbury*. (*g*) *Rymer*'s *Fœdera* Angliæ. And now that we ſee truly who were the Commiſſioners, who tranſacted the Redemption of King *James*, and that they were none of thoſe our Authors mention; We may therefore leave the Reader to judge, whether the elaborate Harangue ſaid to have been ſpoke upon that Occaſion by one of them, is fictitious or genuine, yea or not.

MURDACUS *Dux* Albaniæ, *Comes de* Fife & Menteith, *ac Regni* Scotiæ *Gubernator, universis, ad quorum notitiam præsentes Literæ pervenerint, salutem in Domino sempiternam.*

Noverit universitas vestra, quod nos de Fidelitate, Circumspectione, Prudentia, & experta Diligentia dilectorum & fidelium Consiliariorum, & Consanguineorum nostrorum, reverendi in Christo Patris Willielmi, *DEI Gratia, Episcopi* Glasguensis, *Cancellarii* Scotiæ, Georgii, *Comitis* Marchiæ, Jacobi *de* Douglas, *de* Balveny, *Fratris nostri, venerabilium in Christo Patrum Monasteriorum de* Cambuskenneth & Balmurenach, *Abbatum, Patricii de* Dunbar, *de* Bele, Roberti *de* Lauder, *de* Edrenton, *nec non Magistri* Georgii *de* Borthwick, *Archi-Diaconi* Glasguensis, & *Magistri* Patricii *de* Houston, *Licentiati in legibus Canonici* Glasguensis, *Secretarii nostri, pleniùs confidentes.*

Ipsos fecimus, deputavimus, ordinavimus & stabilivimus, facimusque, constituimus, deputamus, ordinamus, & stabilimus pariter, ex certa scientia & deliberato consilio trium statuum Regni, nostros, & dicti Regni, commissarios, Ambassiatores, & nuncios speciales.

Dantes & concedentes, harum nostrarum tenore literarum, dictis commissariis nostris, eorum novem, octo, septem, sex, quinque, quatuor, vel tribus, plenam & liberam potestatem, authoritatem & mandatum speciale, se representandi & comparandi, cum & coram quibuscunque Commissariis, Nunciis, Ambassiatoribus & Deputatis, Excellentissimi Principis Henrici, *Regis* Angliæ, *sufficientem potestatem ab eoàem, in quibuscunque Locis, ubi ipsis Commissariis & Nunciis nostris visum fuerit expedire.*

Ac etiam, cum ipsis & coram ipsis, dicti Regis Angliæ, *Commissariis seu Deputatis quibuscunque, communicandi, tractandi, concordandi & finaliter concludendi super deliberatione serenissimi Principis, ac Domini nostri Leigei,* Jacobi, *DEI Gratia, Regis* Scotorum *illustris, &c.*

Datum sub Testimonio Magni Sigilli officii nostri, apud villam de Inerkethyne, *decimo nono die mensis* Augusti, Anno *Domini, Millesimo, Quadringentesimo, Vicesimo Tertio, & Gubernationis nostri, Tertio.*

AFTER this there is little or nothing memorable to be met with in History, concerning the Lord Chancellor; For from this Time forth he bent all his Thoughts as far as the Duties of his Office, and publick Business would give him Leave, to the beautifying and enlarging his Cathedral Church: For he laid the Foundation of the Vestry, and carried on the Building of the great Steeple, a lofty and magnificent Structure, at least the Length of the first Battlement, where the *Griffin Saliant*, as the Heraulds call it; the Arms of *Lauder* of *Halton* are still to be seen cut out in Stone in different Places. From henceforth our Prelate enjoyed the Favour of his Prince, without any Interuption, and discharged the Duties of his Episcopal Function to a great Degree of Commendation in so dark an Age, till the 14th of *June* 1425 (*a*), Death translated him out of this World, to a State of Immortality in the other.

John Bishop of *Glasgow.*

BY the Identity of this Prelate's Arms, with those of *Cameron* of *Lochiel* in *Inverness* Shire, he seems to be descended of that ancient Family; but what was his particular Parentage, through the Negligence of Writers, their Names are not preserved in Memory. Mr. *Cameron* being bred a Scholar and a Man of Learning, he was first made Official of *Lothian* by Bishop *Wardlaw* of St. *Andrews Anno* 1422 (*b*); after that taking Holy Orders, he had the Rectory of *Cambuslang* bestowed upon him, by the Presentation of the Earl of *Douglass*, whom he, at the same Time, served in the Quality of Confessor and Secretary (*c*). In the 1424, he was preferred to the Provostry of *Lincluden*, and by King *James* I. upon his Restauration was named Secretary and

(*a*) Obituary of *Glasgow*. M. S. (*b*) *Charta. in pub. Archivis.* (*c*) *Ibidem.*

and Lord Privy Seal (*a*), and the next inſuing Year, he was conſtituted Keeper of the Great Seal; but it was in View of preferring him to the Chancellor's Place, which was then void by the Death of Biſhop *Lauder*: Quickly after which, he was choſen Biſhop of *Glaſgow* (*b*), tho' all the neceſſary Forms of his Conſecration were not fully expede till toward the End of the Year 1426.

In the 1428, the Truce with *England* being near upon the Point of expiring, the Biſhop of *Glaſgow*, the Lord Chancellor was appointed one of the Commiſſioners upon the Part of *Scotland*, for redreſſing any Breaches had been made on the Peace, either by Sea or Land. And they not only ſettled and adjuſted any Matters that were in Diſpute on the Marches; but further prorogued the Truce betwixt the two Nations, which was very punctually obſerved (*c*). The Peace of the Country being thus ſecured, the Biſhop retired to his Function, and as he let no Opportunity ſlip of managing Things to the Advantage of the See; ſo I find at this Time, by his Epiſcopal Authority, and with the Conſent of the ſeveral Patrons, That the Pariſh Churches of *Cambuſlang*, *Torbolton*, *Egleſham*, *Kirkmachoe*, *Luſs* and *Kilearn*, were all made Prebendaries of the Epiſcopal See, and thencefurth admitted to Stalls in the Choir, and to a Place, and Vote in the Chapter for ever. A Copy of the Inſtrument of Erection, which is yet to be ſeen, I ſhall put into the Appendix.

In the 1433, Biſhop *Cameron* was choſen one of the Delegates from the Church of *Scotland*, to the Council of *Baſil*, in the Time of Pope *Eugenius* IV. and accordingly ſet out to keep the Diet with a very ſplendid Retinue, of no fewer than thirty Perſons in his Company. His ſafe Conduct to paſs through *England*, is to be ſeen in Mr. *Rymer*'s Collection of Records. Tho' the Biſhop was ſometime abroad and out of the Country, yet he was not diveſted of the Chancellor's Place; for, upon his Return, we find him in the Office, contrary to what all our Hiſtorians aſſert. There is a ſafe Conduct publiſhed by Mr. *Rymer* on the 30th of *November* 1437, (which was the laſt Year of the Kings Reign) for Ambaſſadors from *Scotland* to come to *England*, to treat about the Prorogation of the Peace betwixt the two Nations, the Plenipotentiaries the original Record names for *Scotland* were, *Johanne Epiſcopo* Glaſguen. *Cancellario* Scotiæ, Alexandro Seaton, Waltero Ogilvy, & Johanne Foreſter *Militibus*. So that 'tis very plain, the Biſhop held the Chancellor's Place till the deplorable Death of the King, on the 20th of *February Anno* 1438. That the Lord *Crichton* was not in the Office any Time during the Reign of King *James* I. further appears from a Charter I have ſeen, granted by this excellent Prince under the Great Seal, *Johanni Fyfe de Effintully*, of the Lands of *Balbeuy* (*d*), *In Baronia de Coule & vicecomitatu de* Aberdeen, dated the 12th of *November*, the thirtieth Year of his Reign, which computing from the Death of his Father, is preciſely the 1437, *William Crichton* Knight, the ſame noble Lord whom our Hiſtorians ſay was Chancellor, is there deſigned by the Office he then held in the Court, *Magiſter Hoſpitii*, which is, Maſter of the King's Houſhold.

Upon the Acceſſion of King *James* II. to the Throne, Biſhop *Cameron* being removed from the Chancellor's Place, he retired from publick Buſineſs, and kept to his own Function. It was about this Time, as I take it, he built the Great Tower at his Epiſcopal Palace in the City of *Glaſgow*, where his Arms are to be ſeen, *viz.* *Three Bars*, within an Eſcutcheon, enſign'd with his Mitre and Croſier, and the other Badges of his Epiſcopal Dignity. He alſo laid out a great deal of Money in carrying on the Building of the Veſtry, which was

(*a*) *Charta in pub. Archivis.* (*b*) *Reliquiæ Sancti* Kentigerni *de* Glaſgu. M. S. *penes me.* (*c*) Rymer *ad Annum* 1429. (*d*) *Charta penes Dom.* Petrum Fraſer *de* Dores *Baronet.*

begun by his Predeceſſor Biſhop *Lauder*, where his Arms are likeways to be ſeen by the Curious. But for all the good Things Biſhop *Cameron* did, and which is ſtrange, he is as little beholden to the Charity of our Hiſtorians, as any Man in his Time; The learned Mr. *George Buchannan*, and the Right Reverend Arch-Biſhop *Spotiſwood* from Mr. *George*, Characterize the Biſhop to have been a very worldly Kind of Man, and a great Oppreſſor, eſpecially of his Vaſſals within the Biſhoprick. They tell us moreover, that he made a very fearful Exit at his Country Seat of *Lochwood*, five or ſix Miles North Eaſt of the City of *Glaſgow*, on Chriſtmas Eve of the Year 1446.

INDEED, 'tis very hard for me, tho' I have no particular Attachment to Biſhop *Cameron*, to form ſuch a bad Opinion of the Man from what good Things I have ſeen done by him; and withal, conſidering how much he was favoured and imployed by the beſt of Princes, I mean King *James* I. and for ſo long a Time too, in the firſt Office of the State, and in the ſecond Place in the Church, eſpecially, ſince good Mr. *Buchannan* brings no Voucher to prove his Aſſertion, only he ſays (*a*), It had been delivered by others, and conſtantly affirmed to be true, which amounts to no more, in my humble Opinion, than that he ſets down the Story upon no better Authority than a mere Hearſay.

William Lord *Crichton*.

THIS Noble Lord was the Son and Heir of Sir *John Crichton* of That-Ilk, the Head of a very ancient Noble Family in the Shire of *Edinburgh*, by Dame *Chriſtian* his Wife. Being by the Care of his Father educated in the Schools of Learning, ſuitable to his Illuſtrious Birth, he improved himſelf, by his own Induſtry, in Studies, to ſuch a Degree, as he made no leſs a Figure than any great Man of his Time.

THE firſt publick Employment or Buſineſs I find him engaged in, was *Anno* 1423, that he was among the other young Nobility who went to *England* to congratulate King *James* upon his Marriage, and to have the Honour to accompany him in his Retinue home to his own Country, when he was relieved from his long Captivity out of that Realm (*b*), what particular Service he did the King then I know not; but he quickly got into his Favour, inſomuch as he was one of the Number of thoſe who were honoured with Knighthood for the greater Solemnity of his Highneſs's Coronation *Anno* 1424 (*c*). After which, Sir *William* was made Gentleman of the King's Bed-Chamber, *Cambellano* as 'tis called in the Record. Upon the not underſtanding the Import of that Deſignation throughly, which thro' a Miſtake has been taken for *Cancellario*, our Hiſtorians have aſſerted, tho' without any Ground, that he was Chancellor to King *James* I.

THE firſt publick Character he bore was in 1426, that he was joined in a Commiſſion with Mr. *William Fowlis* Provoſt of the Collegiate Church of *Bothwel*, Almoner, and *Thomas Cranſton* Eſq. to treat with *Erick* King of *Denmark* and *Norway* about the keeping and continuing a firm and laſting Peace betwixt the two Realms. A Copy of this Commiſſion, the original of which is yet to be ſeen (*d*), I have here ſubjoined.

JACOBUS, *DEI Gratia, Rex* Scotorum: *Noverit univerſitas veſtra, quod nos, ob honorem & reverentiam DEI omnipotentis, & ad evitandum ſtrages & effuſionem ſanguinis populi Chriſtiani, ac mala, damna, ac pericula maxima, quæ, occaſione guerrarum, vereſimiliter poterint evenire; cupienteſque, quantum in nobis eſt, auxiliante Domino,*

(*a*) Buchannan *in vita* Jacobi *Secundi*, ſays, *Cum ab aliis ſit proditum, & conſtanti rumore pervulgatum.* (*b*) *Rymer.* (*c*) *John Major's* Hiſtory of *Scotland.* (*d*) *Torpheus* from the Records in the Archives of the King of *Denmark.*

Domino, cum omnibus Fidei Chriſtianæ cultoribus pacem habere, noſtroſque ſubditos in pace ponere & quiete; confidentes ad plenum de fidelitate, diſcretione, & prudentia dilectorum, & fidelium noſtrorum, Willielmi *de* Crichton, *Baronis de eodem, Militis,* Cambellani *noſtri, Magiſtri* Willielmi *de* Foulis, *Præpoſiti Eccleſiæ Collegiatæ de* Bothuile, *Elemoſinarii noſtri, &* Thomæ *de* Cranſton, *Scutiferi noſtri, ipſos fecimus, ordinavimus, conſtituimus, ſtabilivimus, & deputavimus, pariter ex certa ſcientia & deliberato Conſilio facimuſque, conſtituimus, ordinamus, ſtabilimus, & deputamus noſtros veros Ambaſſiatores, & Nuncios ſolennes, dantes eiſdem, & eorum duobis, plenam poteſtatem, liberam & generalem, ac ſpeciale mandatum, ſe repræſentandi, coram Illuſtriſſimo Principe* Erico, *DEI Gratia,* Daciæ, Sweciæ, Norvegiæ *Rege, & Duce* Pomeriæ, *Conſanguineo noſtro cariſſimo, aut cum quibuſcunque Ambaſſiatoribus & Nunciis ſui ſolennibus, ſufficientem poteſtatem ad hoc habentibus ab eodem,* Bergis *in* Norvegia *conveniendi, vel alibi, ubi dictis Ambaſſiatoribus noſtris viſum fuerit expedire, & tractandi cum dicto Illuſtriſſimo Principe, vel ſuis Ambaſſiatoribus quibuſcunque, ſuper reparatione, reformatione & renovatione bonæ, veræ, & perpetuæ pacis ac finalis concordiæ, inter nos Regnumque noſtrum, terras noſtras, Dominia, & ſubditos noſtros, ex parte una; & dictum Illuſtriſſimum Principem, ab altera,* &c.

Datæ ſub Teſtimonio Magni Sigilli noſtri, apud Edinburgh, *Menſe* Maii *Die* octavo, Anno *Gratiæ* 1426.

Sir *William Crichton* having diſcharged this Negotiation with Honour and Succeſs, he was, not long after his Return, and probably to reward this Piece of Service, conſtituted one of the King's Privy Council, and Maſter of the Houſhold, *Magiſter Hoſpitii*, upon the Removal of Sir *Walter Ogilvy* of *Lintrethen* from the Office, and he held the Place till the Death of the King.

Upon the Acceſſion of King *James* the II. to the Crown, the Lord *Crichton* being eſteemed as wiſe a Man as the Nation then had, was by the Eſtates of the Kingdom appointed Lord-Chancellor, and had the Tuition of the young King, during his Nonage, committed to him, together with the Government and Command of the Caſtle of *Edinburgh*, as the fitteſt Place could be thought of for him to reſide in. The Chancellor being now the Prime Miniſter, the firſt Thing he did, after he entred upon the Adminiſtration, was to fall on Meaſures to ſecure the Peace of the Country; and in Order thereto, Commiſſioners were directed to *England* for that Effect, and they quickly managed Matters ſo ſucceſsfully, that they not only continued the Truce that was in Being, but prorogued it full nine Years longer, commencing from the Firſt of *May* 1438, till the Firſt of *May* 1447 (*a*). The Conſervators of it, upon the Part of *Scotland*, were the Lord *Crichton*, the Chancellor himſelf, the Earls of *Douglaſs*, *Angus*, *Crawfurd*, and *Evandale*, the Lords *Gordon*, *Dirlton*, *Somervel*, *Herris*, *Carlevrock*, *Montgomery*, *Hales*, Sir *Archibald Douglaſs*, Sheriff of *Teviotdale*, Sir *Thomas Kilpatrick*, and Sir *Walter Scot* Knights.

But the Peace of the Country was no ſooner ſecured from Abroad, than the Miniſtry at Home fell at Variance among themſelves, which did not a little encreaſe the publick Calamity in that afflicted State of the Nation: For Sir *Alexander Livingſton* of *Calendar*, who there is Reaſon to believe, had been appointed Tutor to the young King by the Authority of the Parliament, murmured exceedingly, that he had not the full Government of his Royal Pupil, or free Acceſs to him, when he had a Mind: And therefore, fell upon this Stratagem to obtain it.

The Queen Mother was entirely in the Governour's Intereſt, ſhe

(*a*) *Rymer.*

ſhe grudged, that the King her Son was in other Hands, and like to be brought up with Sentiments different from her own: Theſe and other Motives induced her to go from *Stirling* to *Edinburgh*, pretending to give her Son the young King a friendly Viſit, and ſhe carried Things ſo ſmoothly with the Chancellor, by her Behaviour, Diſcourſes and Retinue, that there was not the leaſt Room left for miſconſtructing her, as if ſhe was not perfectly pleaſed, that her Son was in his Hands; ſo that ſhe had full and free Acceſs to come and go to the Caſtle when ſhe had a Mind, and thus cajoll'd the Chancellor into a firm Belief, that ſhe deſign'd nothing but what ſhe owned. During her Stay in the Caſtle, ſhe eaſily perſwaded the young King, to make his Eſcape with her to the Governour (e), who would not keep him as it were a Priſoner, as the Chancellor did, but give him his full Liberty. The charming Word *Liberty* was ſuch a Bait to a young Prince, that there was no reſiſting of it; ſo the Queen having got all Things in Readineſs, came the Night before to the Chancellor, and told him, ſhe would ſtay but one Night longer in the Caſtle, being the next Morning early to ſet out for *Whitekirk* in *Buchan*, to perform a Vow ſhe had made for the Health of the King, whoſe Perſon ſhe earneſtly recommended to his Care, till ſhe ſhould return. He aſſured her of his Fidelity in that, and all other Reſpects, wiſhed her a good Journey, and as he thought, left her to her Devotions and Reſt, and ſo parted from her.

HEREUPON, as was agreed, the King was put into a Cheſt, wherein the Queen was wont to put her Linnen and Furniture, when ſhe travel'd abroad, and the Day after, was by faithful Servants convoyed to *Leith*. The Queen followed after, only with a few Attendants, to prevent all Suſpicion. There was a Ship juſt ready to receive them, they went aboard, and by a favourable Gale, they arrived at *Stirling*, before the Contrivance was diſcovered. There the King and Queen were received with great Joy by the Lord *Livingſton* and his Party, with all the Demonſtrations of Reſpect and Duty they could deviſe: So far did the Stratagem ſucceed, to the great Confuſion and Diſappointment of the Chancellor: But this was not all, he muſt alſo be diſlodged from the Caſtle of *Edinburgh*, and entirely diveſted of his Office. To effect this, the Governour raiſed an Army, and marched to *Edinburgh*, in Order to beſiege him in the Caſtle: And being now deprived of his great and only Defence, the King's Perſon, he was fain in this Perplexity to addreſs himſelf to the Earl of *Douglaſs*, who alone was able to preſerve him in his Office and Dignity: But the Earl very haughtily rejected his Suit, and ſent him Word, *That both he and Sir* Alexander Livingſton *were Knaves, who regardleſs of the publick, contended for their private Intereſts, and that in ſuch a Struggle, no Blow could be loſt: For his Part, he would concern himſelf with neither of them, but ſhould rejoice, if the Kingdom were rid of both.* This harſh Anſwer had quite another Effect than the Earl intended, for it occaſioned the Chancellor and Governour to think of an Accomodation, and to clap up a Peace. They made a Truce for two Days, and meeting together, concluded, that the Safety of both conſiſted in their mutual Agreement; upon which the Keys of the Caſtle were delivered to the King, who ſupped in it that Night; and the next Day, as had been before concerted, confirmed the one in his Office of Chancellor, and the other in that of Keeper or Governour of his Perſon.

BUT tho' the Chancellor diſſembled the Affront, for a Time, the Governour had contrived, in ſtealing away the King, yet he did not forget the Injury, but watched an Opportunity to reſent it, and being now in very good Terms with the Queen-Mother,

(e) *Buchanan.*

Mother, they quickly brought about a ſecond Turn of Affairs at Court, which brought the Governour no ſmall Vexation and Trouble; for while the Lord *Livingſton* was at *Perth*, holding a Juſtice Air, ſhe adviſed the Chancellor of the Opportunity he had of regaining the Perſon, and conſequently the Authority of the young King. To be ſhort, The Deſign was ſo cloſely, and ſo dexterouſly carried on, that one Morning, as the King was hunting in the Park of *Stirling*, his ſmall Retinue were, on a ſudden, ſurrounded with a Body of about 4000 Horſe, commanded by the Lord Chancellor in Perſon, who carried him off to *Edinburgh*, without any Oppoſition made by his Retinue, or the leaſt Reluctancy expreſt by himſelf. The Governour, upon Advice of what had happened, was no leſs out of Countenance, than the Lord Chancellor was when he was trickt in the ſame Manner. At length he took Heart, and began to think what Remedy to apply to the preſent Misfortune; he knew, that his own Strength was not ſufficient againſt the Lord Chancellor, when countenanced, as now he was, by the Authority of the King: And therefore he did what was certainly moſt expedient for himſelf, and the Publick: For wiſely conſidering, that the Chancellor could not more probably ſtand his Ground, amidſt ſo many Difficulties without him, than he had done without the joint Aſſiſtance of the Chancellor, he concluded him capable of being wrought upon into Terms of Accomodation; and being informed, that Biſhop *Lichton* of *Aberdeen*, and Biſhop *Innes* of *Murray*, were accidentally at *Edinburgh*, he alſo went thither (*a*), with no more than his ordinary Train of Attendants. The two Prelates, as he expected, brought both Parties to a perſonal Conference in the Church of St. *Giles*, and finding them pliable to Reaſon and Equity, at length effected an entire Reconciliation between them, upon Condition, ſay our Hiſtorians, That both ſhould continue in the Miniſtry, and the King ſtay at *Edinburgh* with the Chancellor, as in the Beginning of his Reign.

THE two Prime Miniſters of State being thus a ſecond Time reconciled, it was hoped, that their joint Counſels would ſoon remove all the Grounds and Cauſes of Contention and Animoſity, by which the State, till now, had been ſo miſerably rent and divided: But we ſee very little other Effect of the Reconciliation of theſe two great Men, than that the Chancellor did the more avowedly decoy the young Earl of *Douglaſs*, *David* his Brother, but a Boy, and Sir *Malcolm Fleming* of *Cumbernald*, into the Caſtle of *Edinburgh*, where they were moſt inhumanely put to Death 1441 (*b*). A foul Murder indeed, which lies heavy upon the Chancellor's Memory, and was deteſted by the whole Kingdom then, and by every Body elſe ſince: However the Lord Chancellor continued in his Greatneſs without Controul till the 1444, that the Earl of *Douglaſs* worm'd him out of the King's Favour; ſo that he laid down his Place of Lord Chancellor, which was conferred upon one of the beſt of Men, Biſhop *Kennedy* of St. *Andrews*.

THE Lord *Crichton* being now, and juſtly enough, apprehenſive of the Reſentment of the Earl of *Douglaſs*, for the ill Uſage his Couſin and Predeceſſor had met with from him, he withdrew to the Caſtle of *Edinburgh*, of which he was ſtill Governour, and he quickly found he was not miſtaken: For the Earl influenced the King to ſummon him to anſwer to a Charge of ſuch Things as he ſhould be accuſed of. Tho' he did not think fit to obey by a perſonal Appearance, yet he ſent the King Word, he deſired nothing more than to give a full Account of his Adminiſtration; but begged to be excuſed at preſent, in Regard he could not hope for Juſtice, whilſt his Ma-

(*a*) *Boethius's* Hiſtory of *Scotland*. (*b*) *Charta penes Comitem de Wigton.*

jeſty was in the Hands of his mortal Enemy. This Anſwer was ſo far from ſoftening, that on the contrary, it much irritated the King as well as the Earl; whereupon a Parliament was called, in Order to proſecute the late Chancellor the more legally. He was accuſed of having alienated the Crown Lands, waſted the Royal Revenue, and ſeized upon the King's Jewels, the Furniture of his Houſes, and what elſe he could divert to his own private Uſe. The Conſequence in ſhort was, Matters were ſo carried, that the Lord *Crichton* was declared Rebel, and his Eſtate confiſcated; but having the ſtrong Caſtle of *Edinburgh* over his Head, his Perſon was ſecure, and happy was it for him it was ſo, otherwiſe it would have fared the worſe with him.

In the mean Time the Earl of *Douglaſs*, by the King's Orders, laid Siege to the Caſtle of *Edinburgh*, which laſted nine Months; but, at length, both Parties thought fit to come to an Accomodation, by which the Caſtle was ſurrendered to the King, and the Lord *Crichton* was not only indemnified for what he had done, but alſo received into Favour, and a ſecond Time made Lord Chancellor, the Office being then void by the Death of Biſhop *Bruce* of *Glaſgow*, *Anno* 1447. The Year thereafter the Lord Chancellor, together with Biſhop *Railſton* of *Dunkeld*, and Dr. *Nicol Otterburn* Canon of *Glaſgow*, were ſent Ambaſſadours to *France*, to renew the old League with that Crown. Purſuant to which, they ratified all Treaties made ſince that Day, which was concluded by *Charles le Bel*, and *Robert Bruce* the reſpective Monarchs of both Kingdoms (*a*). Upon the Chancellor's Return, it may be preſumed, and I really apprehend it was ſo, that to teſtify his Thankfulneſs and Gratitude to Almighty GOD, for all the manifold Deliverances he had vouchaſed to him, he founded, and nobly endow'd the Collegiate Church of *Crichton*, near his own Caſtle, *In Laudem & Honorem DEI Omnipotentis, & Domini noſtri JESU CHRISTI, Beatæ & Glorioſæ* Mariæ *ſemper Virginis, Beati* Kentigerni, *& omnium Sanctorum, & Electorum DEI*, for a Provoſt, eight Prebends, and two Boys, appointing, as was uſual then, Divine Service to be daily offered *pro Anima bonæ Memoriæ* Jacobi *Regis* Scotorum, *& pro Salute Supremi Domini noſtri Regis* Jacobi *Moderni, & Dominæ* Mariæ *Reginæ, Conjugis ſuæ; & pro Salute Animarum Anteceſſorum, & Succeſſorum ſuorum; pro Salute etiam Animarum Domini* Johannis Crichton *Patris mei, &* Chriſtianæ *Matris meæ; nec non pro Salute Animæ meæ, &* Agnetis *Conjugis meæ, & Animarum omnium Anteceſſorum, & Succeſſorum noſtrorum; & pro Salute omnium Fidelium Defunctorum, &c (b).*

And now the Earl of *Douglaſs*, and the Lord Chancellor were both become ſo good Friends, that he is one of the Witneſſes to this Charter of Erection. After this, Things went on ſmoothly enough with the Lord Chancellor, and he enjoyed the King's Favour, without any Diminution, and was indeed the Prime Miniſter ever after till his Death (*c*), in the Year 1455.

He left Iſſue by *Agnes* his Wife, Sir *James* his Son and Heir, alſo two Daughters, *Elizabeth* married to *Alexander* firſt Earl of *Hunily*, and *Agnes* to *Alexander* Lord *Glamis*.

Sir *James Crichton* was ſtiled commonly, in the Life Time of his Father, by the Title of *Frendraught*, which Lands he obtained by the Marriage of *Janet* the eldeſt of the two Daughters, and Co-Heirs of *James Dunbar* Earl of *Murray*: By her he had *William* Lord *Crichton*, who ſucceeded his Father in 1469, and was afterward forefaulted in open Parliament, for his being in the Plot with the Duke of *Albany* to dethrone his own Bro-

(*a*) Treaties betwixt the Kings of *France* and *Scotland*. (*b*) Original Charter of the Foundation of the Collegiate Church of *Crichton*, in the Advocates Library at *Edinburgh*; it bears Date 26 of *December* 1449. (*c*) Mr. *Drummond* of *Hathornden*'s Hiſtory.

Brother King *James* III. in 1484 (*a*). He left Iſſue by the Lady *Margaret*, and not *Cicily*, as I my ſelf, as well as others, thro' Miſtake, have called her, ſecond Daughter to King *James* II. A Son *James*, who is called afterward *Filio & Hæredi quondam* Willielmi *Domini* Grichton; when he got a Charter of the Barony of *Frendraught* from King *James* IV. on the Reſignation of Dame *Janet Dunbar ſuæ Aviæ* in 1492 (*b*), and a Daughter *Margaret* Counteſs of *Rothes*.

James Biſhop of St. *Andrews*.

THIS Great Prelate, who rendered himſelf no leſs Illuſtrious by his Virtues than he was by his Noble Birth, was the younger of the two Sons of *James Kennedy* of *Dunnure* by the Lady *Mary* Counteſs of *Angus* his Wife, Daughter of *Robert* III. King of *Scotland*, he was born in the 1405 or 1406 at fartheſt, being by the Care of his Mother well Educate in the Study of the *Belles Lettres* and Philoſophy at home, for the further Improvement of his Education, was ſent to foreign Parts, where he proſecuted his Studies, eſpecially in the Canon Law and Theology; ſince theſe were the moſt requiſite Qualifications for one, who, as he had done, had devoted himſelf to the Service of Almighty GOD in the Church. At Length entering into Holy Orders, he was preferred by the Recommendation of King *James* I. (who muſt be allowed to be a very good Judge of the Merit of his Subjects) to the Epiſcopal See of *Dunkeld*, then void by the Death of Biſhop *Cairny*, who died on the 13th of *January* 1437 (*c*), and was conſecrated ſoon thereafter with all the requiſite Ceremonies. No ſooner was he ſettled in the Biſhoprick, but he ſet himſelf to do all the Good in his Station he could, and having nothing more at Heart than the reforming of Abuſes, he obſerved and regrated, had crept into the Church; for that End, he undertook a Journey to *Florence*, where the Pope, *Eugenius* the IV. then reſided, that he might be ſtrengthned with the greater Authority to put a ſtop to theſe growing Evils; but finding all Things going to Wreck and Confuſion by a Schiſm in the Papacy, he was able to get little effected toward ſo good an End: However, the Pope to teſtifie the Value and Eſteem he had for the Biſhop, beſtowed upon him the *Commendam* of the Abbacy of *Scoon* (*d*). While he was at *Florence*, the Epiſcopal See of St. *Andrews* fell void by the Death of Biſhop *Wardlaw*, on the 6th of *April* 1440 (*e*), to which he was choſen by the Prior and Canons, and poſtulated or demanded Biſhop of the See without Diſpute, as being, of all the Biſhops of *Scotland*, the moſt capable of exerciſing the higheſt Office in the Church. For according to the Rules of the Canon Law, a Biſhop is ſaid to contract Marriage with his Church (*f*), and cannot part with it without the Popes Leave, ſo that a Biſhop being engaged to his See, is not elected to another, but is demanded; and is ſaid not to be promoted to a ſecond Biſhoprick, but tranſlated from the firſt. All which, ſays my Author (*g*), was introduced by the Ambition of the Popes, who by this Device got the Diſpoſal of moſt of the Biſhopricks of Chriſtendom into their own Hands.

SO ſoon as he returned home, and that all the neceſſary Forms of his Tranſlation to the Primacy were expede, he rectified many Abuſes, not only within his own Dioceſs, but throughout the whole Kingdom, inſomuch as a Reverend and learned Hiſtorian (*h*) tells us, he put *All Things in ſuch Order, as no Man living did then remember to have ſeen the Church in ſuch an Eſtate; for partly by his own Example, partly by the ſtrict Obſervance of Diſcipline, he induced the Clergy to live as became Men of their Profeſſion,*

(*a*) Records of Parliament. (*b*) *Charta in publicis Archivis.* (*c*) *Fordun.* (*d*) *Ibidem.* (*e*) *Ibidem.* (*f*) Arch-Biſhop *Chiſles* Life. (*g*) *Ibidem.* (*h*) Arch-Biſhop *Spotiſwood's* Hiſtory of the Church of *Scotland.*

who had devoted themſelves to God's Service.

During the many and frequent Broils and Animoſities that fell out among the Miniſtry themſelves, in the Minority of King *James* II. Biſhop *Kennedy* did always what was fit for one of his Character to do, and interpoſed his beſt Offices of Mediation, and always propoſed temperate and healing Councils, that the Publick might not, as it frequently did, ſuffer by their Jealouſies and Animoſities, which now and then run very High.

In the 1444, Sir *William Crichton* as I have formerly taken Notice of, being obliged to ſtoup to the Earl of *Douglaſs*, who had a Superiority over him in the King's Affections, and to lay down the Chancellor's Place, it was immediately conferred on the Biſhop, no Man in the Nation being eſteemed ſo fit for the Office (*a*): But it ſeems he was not able to do all the Good he had in his View, when he ſuffered himſelf to be made Chancellor: And therefore, in a few Weeks at moſt, he reſigned the Place; Whereupon the Great Seal was immediately put into the Hands of Dr. *Bruce*, then Biſhop of *Dunkeld*, who is Chancellor as early as the 12th Day of *July*, of the Year 1444 (*b*).

After this, the Animoſities among the Nobility, in the King's Nonage, running higher than ever, and the good Biſhop being not able of himſelf to ſtop a Torrent at Home, reſolved to try what he could do Abroad, in ſettling and compoſing the Schiſm in the Papacy, which had ſo long diſturbed the Peace and Quiet of the Church; and for that End, he undertook a Journey to *Rome*, with a Retinue of thirty Perſons in his Company, and being it ſeems neceſſarily obliged to paſs through *England*, he had a ſafe Conduct from *Henry* VI. for that Effect, in theſe Words.

Rex per Literas ſuas patentes, per duos Annos duraturos proximo futuros, ſuſcepit in ſalvum & ſecuram Conductum Regis, ac in Protectionem, Tuitionem & Defenſionem ſuam ſpecialem, Jacobum Epiſcopum Sancti Andreæ *in* Scotia, *& triginta Perſonas in Comitiva ſua, ac Magiſtrum* Joannem Legat, *Magiſtrum* Willielmum Muddy, *&* Joannem Fleming *de* Scotia, *in Regnum Regis* Angliæ, *per Terram & per Mare, pedeſtre ſeu equeſtre, cum Bonis & Harneſiis ſuis licitis quibuſcunque, veniendo, ibidem morando, Nocte Dieque perhendiando, & per idem Regnum Regis, ac per alia Dominia, Juriſdictiones, Loca, & Territoria quæcunque de Obedientia noſtra verſus Urbem* Romanam, *& alia Loca Sancta, abſque Perturbatione ſeu Impedimento quocunque, tranſeundo, (c) &c. Data* 28*th* Maii, 1446.

After our Prelate had uſed his utmoſt Endeavours to compoſe the Diviſions in the Church, but with very little Succeſs, he returned Home, and from thenceforth ſpent what Time he could ſpare from the Duties of his Epiſcopal Function, in the Service of Religion, and for the Advancement of Learning: And for that End he founded an Univerſity at St. *Andrews*, called St. *Salvators*, in Honour of our Lord and Saviour, and liberally endowed it, for the Maintenance of a Provoſt, four Regents, and eight poor Scholars, called Burſars. He founded alſo the collegiate Church within the Precincts of the College, and provided it with all Neceſſaries for the Divine Service in thoſe Times, which ſtill and ever will remain a noble Monument of his Piety, and Love to his Country.

When King *James* III. came to the Crown, the Biſhop of St. *Andrews* was appointed one of the Lords of the Regency, during the Nonage of the King (*d*): But in Effect, the whole Power was devolved upon him, his Colleagues well knowing his great Abilities, and how fit he was every Way for the Diſcharge of ſo great a Truſt. Mr. *Buchanan* ſpeaking

(*a*) Sir *James Balfour*'s Liſt of *Scots* Stateſmen, and Sir *Robert Sibbald*'s Liſt of the Chancellors of *Scotland* Manuſcrip, *penes me.* (*b*) *Chartæ penes Comitem de* Marchmont. (*c*) *Rymer*'s *Fœdera* Angliæ. (*d*) *Buchanan, Boetius, &c.*

ing of him at this Time, frankly owns ſo much, and ſays, *That he ſurpaſſed all in* Scotland *in Point of Authority, and that his Prudence was held in the higheſt Eſtimation.* And I may here remark, that no Body ſeems to have had a greater Value for the Biſhop, than the King himſelf, for he ever diſtinguiſhes him by the endearing Epithet of *Cariſſimus Avunculus noſter.*

And another learned Hiſtorian tells us, That during his Adminiſtration, *He did ſo carry all Things by his Prudence, as whilſt he lived the publick Eſtate received no Harm* (*a*). And the ſame learned Hiſtorian very juſtly obſerves, that his great Worth appeared ſoon after his Death, *All Things turning to Confuſion, both in Church and State.* Thus having lived a great Bleſſing to his Country, and highly eſteemed and honoured by all good Men, he departed this Life on the 10th of *May* 1466, and was by his own Direction interred in the Collegiate Church at St. *Andrews*, of his own Foundation, under a very noble and magnificent Monument of Gray Marble, but ſo defaced, that had we not unqueſtionable Authority for it(*b*), we could ſcarce believe at this Time a Day, it had been of a very good Stone, by Reaſon of the Brittleneſs of it, tho' 'tis very fine imboſſed Work: But there is no Effigies of the Biſhop now to be ſeen, only his Coat of Arms, the very ſame ſtill carried by the Earl of *Caſſils*, enſigned with his Mitre and Croſier. Mr. *George Buchanan*, who is not very laviſh in his Praiſes to Men of his Character, ſays of him, *Erant enim in eo Viro, præter Virtutes ante commemoratas, ſumma domi frugalitas & continentia, foris Splendor & Magnificentia, omnes Superiores, et qui eum uſque ad hunc diem ſecuti ſunt Epiſcopos, Liberalitate in publicum ſuperavit.* And further, regrating the Biſhop's Death, he adds, *Mors Virtutes ejus fecit illuſtriores et deſiderium auxit; eo enim, velut perpetuo cenſore morum, de medio ſublato, diſciplina publica paullatim labefacta deinde penitus corrupta, ſecum omnia pene in exitium traxit.* That is, "In the Biſhop, beſides the Vertues above-mentioned, there was a high Degree of Frugality and Continence at home, yet great Splendor and Magnificence abroad. He exceeded all former Biſhops, yea, and all thoſe who have ſat after him in the See to this very Day. His Death made his Vertues the more illuſtrious, and increaſed Mens Deſires after him; for when he, who was a perpetual Cenſor and Corrector of Manners, was once removed out of the Way, the publick Diſcipline began by Degrees to grow weak and remiſs, and at laſt to be ſo corrupt, as to bring almoſt all Things with itſelf to Ruin." Biſhop *Kennedy* wrote, and left behind him (*c*) ſeveral Treatiſes, *viz.*

Hiſtoria ſui Temporis, Lib. I.
Monita Politica, Lib. I.

James Biſhop of *Glaſgow.*

This Reverend and Learned Prelate was a younger Son of Sir *Robert Bruce* of *Clackmannan*, the ſame Gentleman who had a Grant from King *David Bruce*, of the Lands of *Rait* and *Clackmannan*, by two diſtinct Charters, ſtill to be ſeen in the publick Records, both in the 39 Year of the King's Reign, *Anno* 1370, wherein he is called the King's *dilectus Conſanguineus*; which ſufficiently ſhews, that though he was not royally extracted, yet he was a Branch of the Illuſtrious Houſe of the *Bruces*, Lords of *Annandale*, and of the ſame Stock, with the Immortal King *Robert* I.

Our Prelate was born in the Reign of King *Robert* II. and having

 finiſh-

(*a*) Arch Biſhop *Spotiſwood.* (*b*) *Fordun's Continuator*, who lived at the Time, tells us, that the Biſhop founded a Tomb for himſelf, *Monumentum Opere ſumptuoſiſſimo ex Alabaſtro, in quo ſua Oſſa requieſcant in Domino.* (*c*) *Dempſter's* Eccleſiaſtical Hiſtory. This Author ſays, That *Juſtus Lipſius* ſaw this *Monita Politica* of Biſhop *Kennedy's*, *Lib.* IX. Page 391.

finiſhed the Courſe of his Studies in the *Belles Lettres* and Philoſophy, he applied himſelf to the Study of Theology, and entring into holy Orders, he was firſt made Rector of *Kilmany*, in *Fife* (*a*), about the Year 1438. Here he performed the Duty of his Office with great Diligence, for about four Years; till old Biſhop *Lauder* of *Dunkeld* dying in 1440, he was preferred to that See (*b*), and conſecrated in the Abbay-Church of *Dumfermling*, *Dominica in ſeptuageſimo* (*c*), which a learned Hiſtorian pitches to be on the 4th of *February Anno* 1441. Biſhop *Bruce* being a Perſon of Learning, Judgment, and Integrity, was conſtituted Chancellor of the Kingdom in the Year 1444, in Place of Biſhop *Kennedy* (*d*). Dr. *Miln* ſays, While he ſat here, *Eccleſiam ſuam decoravit pretioſa Cappa, & quatuor pretioſis veſtimentis, & Eccleſiam de* Abernet *aſſignavit quatuor vicariis Chori* Dunkelden *in perpetuum.*

BUT neither his Character in the Church, nor his Authority in the State, was able to protect him from the Inſults, and Oppreſſions of ſome diſſolute Neighbours of his own; for one *Robert Reoch Mackdonachy*, a powerful Man in thoſe Parts, upon what Provocation I know not, ravaged the Biſhop's Lands of *Little-Dunkeld*, whereupon followed a deadly Feud, in which there was ſome Blood ſhed, and ſome Men killed (*e*); but tho' the Matter was afterward compromiſed, and the Difference adjuſted by the Lord *Glamis*'s Means (*f*), yet 'tis likely, this ill Uſage of the Biſhop did ſome what diſguſt him at his Biſhoprick; and it was not long before Providence favoured him with the Proſpect of a Tranſlation to another See: For the Biſhoprick of *Glaſgow* falling void, by the Death of Biſhop *Cameron*, in the latter End of the Year 1446, the Lord Chancellor was thought the fitteſt Perſon to ſucceed in that See; but before all the neceſſary Forms of his Tranſlation were diſpatched, Death took him away in the Year 1447 (*g*).

William Earl of *Orkney* and *Caithneſs*.

THIS Earl was the Son and Heir of *Henry* Earl of *Orkney*, by the Lady *Ægidia Douglaſs* his Wife, only Daughter and ſole Heir of *William Douglaſs* Lord *Liddiſdale*, by the Lady *Ægidia* his Wife, the beautiful Daughter of King *Robert* II. The Earl being a Noble Man of great Parts, Authority, and Power, was much favoured and eſteemed by King *James* II. who frequently employed him in the moſt arduous Affairs of State, which he always diſcharged with ſingular Honour and Fidelity. One of the firſt memorable Things the Earl did, was the founding and erecting a Collegiate Church, near his own Caſtle at *Roſlyn* in the 1441, for a Provoſt and ſeven Prebends, *&c.* who were all nobly provided with Revenues for performing Divine Service, according to the Way of theſe Times. The College is a noble Pile of Building, and thought a Maſter-piece of Architecture at that Time, and is ſtill eſteemed as ſuch by ſome who are very good Judges in that Way.

IN the 1455, the Earl of *Orkney* was made Lord Chancellor of the Kingdom upon the Death of the Lord *Crichton*, and much about the ſame Time, he had a Grant from the King of the Earldom of *Cathneſs*, then in the Crown by the Demiſe of Sir *George Crichton* Kt. whereupon he took the Title of Earl of *Cathneſs* as well as that of Earl of *Orkney* (*h*). The ſame Year the Lord Chancellor was, with the Biſhop of *Brechin*, ſent Ambaſſador to *England*, to treat about the Prorogation of a Truce betwixt the two Nations, and (*i*), tho' the Affair was not fully compleated at that Time, yet how ſoon all Differences were adjuſted, his

(*a*) Abbot *Miln*'s Lives of the Biſhops of *Dunkeld*. (*b*) *Ibidem*. (*c*) *Ibid.* and Biſhop *Spotiſwood*'s Liſts of the Biſhops of *Dunkeld*. (*d*) Sir *James Balfour*'s Liſt of the Chancellors of *Scotland*, M. S. *penes me*. (*e*) Abbot *Miln*'s Lives of the Biſhops of *Dunkeld*, M. S. (*f*) *Ibidem*. (*g*) *Fordun*. (*h*) *Charta in pub. Arch.* (*i*) *Rymer*, and Dr. *Abercromby* in his Martial Atchievements of the *Scots* Nation.

his Lordſhip was one of the Conſervators and Guarantees thereof upon the Part of *Scotland*, as Mr. *Rymer* inform us. This great Earl did not long continue in the Chancellor's Place, for he laid down the Office in the 1458, which was immediately conferred upon Biſhop *Shoreſwood* of *Brechin*.

In the 1471, upon a Tranſaction with the Crown, but nothing like a Forfeiture, or any Thing looking that Way, as a late Hiſtorian would have it, he ſurrendered and gave up the Earldom of *Orkney* to the King, which was by an Act of Parliament annexed to the Crown *(a)*, I apprehend this Reſignation was in View of procuring the Sovereign's Conſent to countenance a Settlement he intended to make of his Eſtate, in Favours of the Children he had of a ſecond Marriage by *Elizabeth* his Wife, Daughter of *Alexander Sutherland* of *Dunbeath*, in Prejudice of *William Saintclair* of *Newburgh*, his eldeſt Son and apparent Heir: And ſo much is certain from unqueſtionable Vouchers, that the Earl did actually give the Earldom of *Cathneſs* to *William Saintclair* his Son by his ſecond Wife *(b)*, and to another Son Sir *Oliver Saintclair*, by the ſame Lady, he gave the whole of his great Eſtate in *Fife* and be South *Forth*. But after the Death of the Father, *William Saintclair* of *Newburgh*, the eldeſt Son of the Earl's firſt Marriage came to quarrel the Alienation as prejudicial to his Right of Primogeniture: After a Plea in Law for ſome Time, the Lands in Debate were divided by Agreement of the Parties, whereby Sir *Oliver*, for himſelf and his Heirs, reſigned and gave over to *William Saintclair* of *Newburgh* his elder Brother, and his Heirs, all and haill the Lands of *Cowſland* within the Sheriffdom of *Edinburgh*, the Lands of *Dyſart* within the Barony of the ſamen, the Lands of *Ravenſcraig*, and the Caſtle thereof, the Lands of *Dubbo Carbery* and *Wilſton* in *Fife*, with the Patronages of Churches, and Chaplanries, Office of *Bailliary*, &c. to remain heritaby with the ſaid *William* and his Heirs perpetually. And on the other Hand, the aforeſaid *William Saintclair* of *Newburgh* (deſigned *Primogenitus & hæres magnifici & potentis Domini Domini* Willielmi, *Comitis* Orcadiæ & Cathaniæ) & Henricus Saintclair *primogenitus & hæres apparens dicti* Willielmi, *Domini de* Newburgh, renounce any Right or Title they had or could claim to the Barony of *Roſlyn*, Patronage of the Provoſtry, the Lands of *Pentland*, *Pentlandmuire*, *Morton* and *Mortonhall*, all in the Sheriffdom of *Edinburgh*, and to the Barony of *Herbertſhire* in the County of *Stirling*, and both of the Brothers bind and oblige themſelves to ſtand by one another, under the Penalty of 5000 *L.* whereof 3000 was payable to the King, and 2000 to the Biſhop of S. *Andrews nomini pœnæ* within forty Days; as alſo under the Pain of Infamy and Inhability, and of being Menſworn Men, they having ſworn on the Holy Evangils the Performance of the foreſaid Articles. And it is thereby further declared, That Sir *Oliver* ſhall worſhip and honour the ſaid *William* as effeirs and accords him to do to his eldeſt Brother, and if there happen any Plea or Conteſtation betwixt the ſaid *William* of *Newburgh* and *William* his younger Brother for the Earldom of *Cathneſs*, the ſaid Sir *Oliver* ſhall ſtand neuter betwixt them, as he ſhould do betwixt his Brethren, and take no Part with them during the Quarrel. This Agreement is dated 9th of *February* 1481, and ratified the 18 of *February* thereafter: Whereupon *Henry* Lord *Saintclair*, Son to *William* Lord *Newburgh*, that he might preſerve his Primogeniture and Right of Blood, by the Favour of King *James* IV. obtained an Act of Parliament 4th of *January* 1488 *(c)*, declaring him Heir to the Earl of *Orkney*

(*a*) Records of Parliament. (*b*) Charter under the Great Seal to *William Saintclair* Son to *William* Earl of *Cathneſs*, by *Elizabeth Sutherland* of the Earldom of *Cathneſs* 8th of *December* 1476, in the publick Records. (*c*) Records of Parliament.

ney his Grandfather, and conſequently Chief of the Family of *Saintclair*. The Act is recorded in the following Terms.

" *Item*, Anent Sir *Henry Saintclair*, " that our Soveraigne Lord, with " Advyce and Delyverance of the " Eſtaitis of this Parliament, de- " clares, That ſene the ſaid Sir *Hen-* " *ry*'s Grandſchire and Faider, Lords " *Saintclair* for the Tyme, are deceſ- " ſit, and the ſaid *Henry* richwiſe " Heritor to them, that he is Chef " of that Blude: And uill therefore, " that he be callit Lord *Saintclair* in " Time to cum, uith all Dignities, " Emenents, Privelegis, Tenands and " Tenandries belonging thairto, efter " the Forme of Charters and Evi- " dents made thairupon.

George Biſhop of *Brechin*.

Biſhop *Shoreſwood* was deſcended of the ancient Family of *Shoreſwood*, of *Beitſhiel* in *Berwickſhire* (*a*); but what his Parents were we know not, nor the Time of his Birth. But being bred to Learning, with a Proſpect of the Service of the Church, and entring into holy Orders, he had the Rectory of *Culſat* beſtowed upon him.

Mr. *Shoreſwood* being a Man of great Learning and Integrity, King *James* III. preferred him firſt to be his own Clerk and Confeſſor (*b*), and then Secretary, in Place of Dr. *Nicol Otterburn* Vicar of *Edinburgh*. And advancing daily in the King's Favour, he was at length promoted to the Biſhoprick of *Brechin*, upon the Death of *John* Biſhop of that See *Anno* 1457 (*c*). Biſhop *Shoreſwood* having long been the Favourite of his Maſter, even while he was in a more private Capacity, now that he was in the higheſt Function in the Church, he would needs have him in the higheſt Office in the State alſo: And therefore was graciouſly pleaſed to promote him to the Chancellor's Place in the 1458 (*d*), upon the Removal of *William* Earl of *Orkney*, and the next Year he had a Paſsport from *Henry* VI. of *England*, *Veniendo in Regnum* Angliæ *verſus Civitatem Regis* Dunelmenſem, *cum quadraginta famulis, vel infra; ibidem morando, & exinde ad partes ſuas proprias redeundo* (*e*). He held the Office till the Death of the King *Anno* 1460; but how long the Biſhop lived afterward, or when he died, I do not know.

Andrew Lord *Evandale*.

This Illuſtrious Perſon was the natural Son of Sir *James Stewart*, Son of *Murdoch* Duke of *Albany*, who being Participant with the Duke his Father in the Treaſon for which he loſt his Head, became deſperate, as moſt Rebels are, and committed a great many Outrages, and that he might avoid Juſtice, fled beyond Sea to *Ireland*, where he ſpent the after Part of his unfortunate Life in a State of Exile, untaken Notice of and unpitied, becauſe of his diſſolute Life: However he was happy in one Reſpect, that he left behind him this Gentleman the Lord Chancellor, and three other younger Sons, who came all to great Honours and Preferments! For King *James* the II. commiſerating the Caſe of the innocent Gentlemen, who had the Honour to be ſo nearly related to him in Blood, was graciouſly pleaſed to recal them from Exile, and took this Sir *Andrew* into his immediate Care, gave him a noble Breeding, not only what his own Country could afford, but for the further Improvement of his Education ſent him to *England* (*f*), where he ſojourned at one or other of the Univerſities, as is very probable, for ſome Time. Upon his Return he made him Gentleman of his Bed-Chamber, conferred the Honour of Knighthood upon him, and quickly raiſed him to the Dignity of a Peer, by the Title of Lord *Evandale*. In the Year 1456,

(*a*) *Charta penes comitem de* Marchmont. (*b*) *Charta in pub. Archivis ad Annum* 1454. (*c*) *Rymer* mentions him in 1457 to be Biſhop of *Brechin*, and I have not found him earlier. (*d*) *Rymer*. (*e*) *Ibidem*. (*f*) *Ibidem*.

1456, a Barony the King bestowed upon him, which had but lately fallen to the Crown, by the Forfaulture of the Earl of *Douglas*; and about the same Time he was made Lord Warden of the East-Marches toward *England*, which Office he discharged till the Death of the King.

Upon the Accession of King *James* III. to the Crown, the Lord *Evandale* was constituted Lord High Chancellor of *Scotland*, upon the Removal of Bishop *Shoreswood* from the Office, and the same Year 1460, he was one of the Ambassadors appointed to go to *England*, to confer about the Breaches of the late Truce (*a*).

He was also appointed one of the Lords of the Regency, during the Minority of the young King, contrary to all our Historians, save the learned and ingenious Mr. *Drumond* of *Hawthornden*, who is certainly in the Right, since we know perfectly well, he was Lord Chancellor from the very Beginning of this Reign, and not the Lord *Boyd*, as Mr. *Buchanan* asserts: But that that I may not contradict so great a Man, as the celebrated Mr. *George*, without an unquestionable Voucher, there is still extant a Charter under the Great Seal of King *James* III. to *Patrick Buchanan* of *That-Ilk*, dated the 23d of *January* 1461, *Anno Regni nostri*, says the King, *Primo*, in which *Andrea Domino Evandale Cancellario nostro* is a Witness (*b*). There is nothing further memorable of the Lord Chancellor, till the 1465, that he was, together with Bishop *Murehead* of *Glasgow*, Bishop *Spence* of *Aberdeen*, and Dr. *Archibald Crawfurd* Abbot of *Haly-Rood-House*, Mr. *Lindsay* the Provost of *Lincluden*, the Earl of *Argyle*, the Lord *Livingston*, and Sir *Alexander Boyd* Knight, sent Ambassadors to *York*, in Order to negotiate a Truce with the *English*, which was at length agreed to (*c*). After this in 1469, the Lord Chancellor was, together with the Bishops of *Glasgow*, and *Murray*, the Earls of *Orkney* and *Arran*, Mr. *Martin Wan* the King's Almoner and Confessor, Mr. *Gilbert Rerick* Arch-Deacon of *Glasgow*, *David Crichton* of *Cranston*, and *John Shaw* of *Haly* Esq; sent Ambassadors to the Court of *Denmark*, with full Powers to treat of a Match betwixt the King their young Master, and the Princess *Margaret*, Daughter of King *Christian* III. and they were so successful in the Negotiation, that in a few Months the Marriage was concluded (*d*), to the great Joy of both Courts.

Upon the Lord Chancellor's Return, or soon thereafter, to reward the many good Offices he had done the King's Father, as well as himself, as the Record expresses it, he had a Grant of the whole Earldom of *Lennox* for Life (*e*), still till then in the Crown, by the Forfaulture of *Murdach* Duke of *Albany*, his Lordship's Grandfather, to which he had an undoubted Title in Blood, had he been born in lawful Marriage, since *Isabel* Dutchess of *Albany*, his Grandmother, was the eldest Daughter of *Duncan* Earl of *Lennox*. But that the Illegitimacy of his Birth might be no Impediment to the settleing and entailing his own Estate in such Manner as he intended, having no Children of his own, he procured a Legitimation under the Great Seal of the Kingdom in 1473, of himself and *Arthur* and *Walter Stewarts* his Brothers, inabling him and them to destinate their Estates to all Intents and Purposes, as freely *quam si de legitimo Thoro essent procreati, non obstante Bastardia eorundem.* But that I may put this Matter in a clearer Light, than that in which it has hitherto appeared; I shall place the very Legitimation itself in the End of this Work, as I extracted it from the publick Records.

(*a*) *Rymer.* (*b*) *Charta penes Ducem de* Montrose: And moreover the very Character of the Lord *Evandale*'s Office very much supports Mr. *Drummond*'s Assertion, since the Lord Chancellor *virtute officii* had Right to preside in all publick Councils and Meetings, where he was present. (*c*) *Rymer.* (*d*) *Buchanan* and *Torfeus*, Page 191. (*e*) *Charta in pub. Archivis ad Annum* 1471.

WHEN the Troubles began in this Reign, the Lord Chancellor, who ſeems to be, by his Conduct and Behaviour, a wiſe Man, and noways diſpoſed to rebel, as many others were, but was always for healing Counſels, and for accommodating Matters without Blood: For after the Duke of *Albany*, the King's Brother, had invaded the Kingdom, by the Aſſiſtance of *Edward* IV. of *England*, the Lord Chancellor and ſome other Patriots managed the Matter ſo dexterouſly, that tho' the Enemy were in the Heart of the Country, yet they brought about a Treaty of Reconciliation betwixt the King and the Duke his Brother, and thereby preſerved the Crown to the King and his Succeſſion, to which the Duke had no leſs impiouſly than unnaturally aſpired. The Treaty of Agreement being curious, and ſerving very much to vindicate the King in his after Conduct to the Duke his Brother, I ſhall here inſert it juſt as I copied it from the Record (*a*).

"BE it kend till all Men be thir preſent Letters, Us *William* Arch-Biſchop of St. *Andrew*, *James* Biſchop of *Dunkeld*, *Andrew* Lord *Avendale* Chancelor of *Scotland*, *Coline* Earle of *Argile* Lord *Campbell*, and *Lorn*, to be bundin and oblaſt, and be thir preſent Letters, and the Faithis in our Bodys leilly and treuly bundin and oblis us to a Noble and Michti Prince *Alexander* Duke of *Albany*, That he kepand his treu Faith and Allegeance to our Soveraign Lord *James* King of *Scotland* and his Succeſſione, and to the gud Reule, and puttin furth of his Autoritie to Juſtice, and kepand his Faith, laute and band to us, and to the remanant of the Lordes of the Realme: And likeas, we and thai ſall do to his Michti Lordchip, That he ſall be ſover and ſicker fra all bodely Harme in his Perſone, to lauber and travell at Liberty and Fredome within the Realme, quhen and quhair it pleſs him at all Times.

"AND ue ſall cauſe oure Soverane Lord frely to gif and grant to him all his Landes, Heritagis, Strenthis, Houſes and Offices, quhilk he poſſedit the Day of his laſt parting furth of the Realme of *Scotland*.

"AND alſo, That our Soverane Lord ſall frely gif to him and to the Perſons beeing with him, that he will hereefter Neme and deſire (except-and thaim that ar ſpeceally except be the Kinges Hienes of befor, be oppin Proclamatione made in his laſt Parliament) full and plane Remiſſione of all Offenſis and Crimis committit be him or thaim, alſo nele of his and thaim in *England* aſpiring and tending to the Trone of *Scotland*, as uthers Offenſis committit or done be him or thaim, or aſſiſting in the Premiſſes, or ony of thaim in ony Time bigane, he and thai remanand and abidand at the Fath and Obeſance of oure Soverane Lord forſaid as his treu Leige.

"AND ſall mak all the Premiſs to be ratiffit, approvit, and conformmit be oure Soverane Lord, and his hale thre Eſtates in the nixt Parliament but Fraud or Gile.

"IN Witneſs hereof to thir preſent Letters, oure Selis are affixit togidder with Subſcriptione with oure auin Hands at *Edinburgh* the ſecund Day of *Auguſt* the Zere of oure LORD a thouſand four hundreth authein and twa Zeres (*b*).

ALTHO' the Lord *Evandale* quickly after this laid down the Chancellor's Place, yet he did not decline ſerving the King or his Country as Occaſions offered; for we find him one of the Plenipotentiaries at the Congreſs at *Nottingham* in 1484, by whom a Truce was agreed to for three Years betwixt the two Nations (*c*), and after that, I obſerve, he is preſent in all the ſubſequent Parliaments during the Remainder of the King's Reign

(*a*) *Rymer's Fœdera Angliæ* Tom. 12th, page 160 161. (*b*) *Rymer's Fœdera.* (*c*) *Rymer ad Annum* 1484.

Reign (*a*): 'Tis a mere Calumny upon the Memory of the Lord *Evandale*, to place him in the Cabal with thoſe Lords who took Arms againſt the King, as ſome of our Hiſtorians do; ſince we ſee plainly, that thro' the whole unhappy Conteſt, he is on the King's Side of the Quarrel, tho' far from carrying Things to Extremity, and he died much about the Time that the King was ſlain on the 11 of *June* 1488.

THO' the Lord *Evandale*'s Eſtate by his own Deſtination, and the Approbation of the Crown, devolved on *Alexander Stewart* of *Morphy* his Nephew, yet the Title thro' the Defect of his Birth did not, but became extinct: For in the firſt Parliament of King *James* IV. *Alexander Stewart* of *Evandale* is a ſitting Member (*b*), but not as a Peer, nor is he ranked among the Lord Barons; but is placed after them, and after the Maſters, the eldeſt Sons of Earls, and in ſeveral other Parliaments, he is preſent and making a Figure as a Man of Mettle and Spirit; but he is deſigned only *The Laird of* Evandale, and is plac'd in the Rolls, not among the Lord Barons, but the Gentry, who then ſat in Parliament (how their ſitting came into deſuetude, or how they relinquiſhed their Seats there, as we are certain they did, for a long Time, is what we are ſtill in the Dark about); But the King, calling to Mind the Merit due to the Memory of the Lord *Evandale*, the Lord Chancellor, and the nearneſs in Blood this Gentleman himſelf had the Honour to ſtand in to his Majeſty, was graciouſly pleaſed in the 1503, to create him, and Sir *John Semple* of *Eliotſtoun*, both Peers, the one by the Title of Lord *Evandale*, and the other by the Stile of Lord *Semple*, by ſolemn Inveſtiture in Parliament, and Proclamation by ſound of Trumpet without Doors by the Heraulds, as we now know was the Form and Manner of creating Peers (*c*) in this and the preceeding Reign.

John Biſhop of *Glaſgow*.

BISHOP *Laing* ſeems to be a Native of *Edinburgh*, and of the ſame Stock with the *Laings* of *Reidhouſe* (*d*); But I know nothing concerning the Quality of his Parents, only by his liberal Education it would appear, That they had not been Perſons of a mean Rank, who were able to give their Son ſuch an Education in the Schools of Learning, as at that Time could qualifie him for being a Clergy-man. The firſt Office he had in the Church was the Rectory of *Tannadice* in *Forfar* Shire, and after that was Vicar of *Lithgow*.

BEING a Perſon of Parts and Induſtry, King *James* III. preferred him to the Treaſurer's Place in the 1465 (*e*), which is the firſt Time, at leaſt, that I have found him ſo deſigned, and he held the Office till the 1468, That upon a new turn of Affairs at Court, he was made Regiſter, and Sir *David Guthry* of That-Ilk made Treaſurer in his Room (*f*). It was about this Time, Mr. *Laing* the Regiſter had the Rectories of *Suthet* and *Newlands* conferred on him; but whether in Commendam or not I cannot ſay. The King it ſeems, having reaped the Benefit of Mr. *Laing*'s good Services in the Treaſury, he was pleaſed a ſecond Time to conſtitute him Lord High Treaſurer of *Scotland Anno* 1471 (*g*), upon the Removal of Sir *William Knows* Preceptor of *Torphichen* from the Office: Having in that Station, as well as in all the other great Offices committed to his Truſt, done the King very acceptable Services, he was, by his ſpecial Favour, promoted to the Epiſcopal See of *Glaſgow*, then void by the Death of Biſhop *Mure-*

(*a*) Records of Parliament. (*b*) Records of Parliament in the publick Archives. (*c*) *Ibidem*. (*d*) This was a Family of ſome Account, and of ſome ſtanding in *Edinburgh* Shire, and ancient Burgeſſes of that City, in the Reign of King *James* VI. Mr. *John Laing* of *Reidhouſe* left only a Daughter *Jean* his Heir, who was married to Sir *Andrew Hamilton*, Brother to *Thomas*, I. Earl of *Haddington*. He was one of the Senators of the College of Juſtice, by the Title of Lord *Reidhouſe*. (*e*) *Chalta in pub. Archivis*. (*f*) *Ibidem*. (*g*) *Ibidem*.

head, in 1473 (*a*); But the Buſineſs of the Treaſury giving him as it ſeems too many Avocations, and taking up too much of his Time from the Offices of his Epiſcopal Function, he reſigned the white Staff *Anno* 1474, which was immediately put into the Hands of Dr. *Archibald Crawfurd*, Abbot of *Haly-Rood-Houſe*, who held the Office for a long While thereafter.

I find Biſhop *Laing* was a very good Inſtrument, in making up the Reconciliation betwixt the King and his Brother the Duke of *Albany*, and was himſelf one of the Guarantees for the King's performing his Part of the Agreement; 'tis very likely, that his Majeſty, to reward the Biſhop's good Offices in that Affair, conferred upon him the Chancellor's Place, which, at this Time, in the End of the Year 1482, the Lord *Evandale* reſigned: But before he had enjoyed the Office full ſix Months, he ſubmitted to the Stroke of Death, on the 11 of *January* 1483 (*b*), and was ſucceeded in the Biſhoprick by Dr. *Robert Blackader* Biſhop of *Aberdeen*.

James Biſhop of *Dunkeld*.

THE Family of *Livington* of *Saltcoats*, in *Haddington* Shire, of which this Prelate was a Son (*c*), is right ancient, *Walterus de Livington Scutifer* is a Witneſs in a Charter, whereby *Walterus Haliburton*, *Dominus de Dirlton*, conſents to the Union and Annexation of what Lands formerly belonged to the Nunnery of South *Berwick*, within the Barrony of *Dirlton*, to the Abbacy of *Dryburgh* (*d*), in the Year 1410.

MR. *Livington*, being a younger Brother, and dedicated by his Parents to the Service of the Church, was carefully educated in the liberal Arts and Sciences, at the Univerſity of St. *Andrews*, where, no doubt, he took his Degrees. After that, applying himſelf to the Study of Theology, and entring into holy Orders, he was made Rector of *Forteviot* and *Weems* (*e*), and then Dean of *Dunkeld*: At length Biſhop *Lauder* of *Dunkeld* having conceived an extraordinary good Opinion of his Dean Mr. *Livington*, as a Perſon every Way throughly qualified for the Epiſcopal Function, thought fit to reſign his Biſhoprick in the Pope's Hands, in his Favours (*f*): A Reverend Hiſtorian tells us, That the Reſignation was ſome Time oppoſed at the Court at home, by Biſhop *Spence*'s Intereſt, who was Lord Privy Seal, and a Favourite of King *James* III. But the Matter being accomodated, the King's Conſent was at length obtained; whereupon he was conſecrated in the Cathedral Church of *Dunkeld*, by Biſhop *Hepburn* of *Dumblain*, Biſhop *Balfour* of *Brechin*, and old Biſhop *Lauder* himſelf, who is called there, *univerſalis Eccleſiæ Epiſcopus*, a Biſhop of the univerſal Church, *Dominica proxima poſt Feſtum Nativitatis* Johannis *Baptiſtæ* 1476 (*g*).

MY Author Dr. *Miln*, the Abbot of *Cambuſkenneth*, ſays of Biſhop *Livington*, *Nec, Epiſcopus factus, a bonis operibus ceſſavit*: On the contrary, according to the Way of thinking at that Time, he did many pious and commendable Works, which we now call ſuperſtitious: For my former learned Author tells us, That the Biſhop *conſtruxit Altare Sanctæ* Catharinæ *Virginis & Martyris, in Eccleſia* Dunkelden. *& dotavit Capellaneam etiam, in Honorem Divi* Columbæ *Patroni, ad Altare Sancti* Martini, *in Eccleſia Collegiata Beatæ* Ægidii, *de* Edinburgh. *Pontem, a Predeceſſore ſuo* Thoma, meaning Biſhop *Lauder*, *apud Pallatium Epiſcopale conſtructum, altius errexit*.

BISHOP *Livington*, being a Perſon of Parts, Learning, and Integrity, was at length made Lord High Chancellor of *Scotland*, upon the 18th of *February* 1483 (*h*), then void by the Death of Biſhop *Laing*; but he enjoyed the Office as ſhort While as his

(*a*) *Charta in pub. Archivis.* (*b*) Obituary of *Glaſgow*, in the Extract out of the Regiſter of the Epiſcopal See, M. S. *penes me.* (*c*) Dr. *Miln*'s Lives of the Biſhops of *Dunkeld*, M. S. (*d*) *Charta penes Dominam* Cardroſs. (*e*) *Miln*'s Lives of the Biſhops of *Dunkeld*. (*f*) *Ibid.* (*g*) *Ib.* (*h*) *Charta in pub. Archivis ad Annum* 1483.

his Predeceſſor, for he died at *Edinburgh Die Sancti* Auguſtini *Doctoris Aurelii*, the ſame Year 1483 (*a*), and was interred in the Abbay-Church of *Inchcolme*, which was within his own Dioceſs of *Dunkeld*.

Colin Earl of *Argyle*.

To illuſtrate the Deſcent of this Noble Earl, and the Succeſſion of the Houſe of *Argyle*, from Charters and Deeds, I ſhall go no further back than to the Time of King *Robert* I. That *Colin*, the Son of Sir *Neil Campbell*, then got a Charter from that glorious Monarch, of his own Barony of *Lochow*, under the Great Seal of the Kingdom. I do not inſinuate hereby, as if the Barons of *Lochow* had had no legal Title to their Eſtate prior to that Time; I am far from any ſuch Thought; for every Body knows, that the Family of *Campbell* were Poſſeſſors of the very ſame Lands, derived down to them thro' a long Train of illuſtrious Anceſtors, as far back as the Reign of King *Malcolm* II. (*b*), who was the Firſt of our Kings, that we ſee gave the Property of Lands to his Subjects, as the Reward of their Merit and Services; *Rex* Malcolmus, ſays the *Regiam Majeſtatem*, *dedit totam Terram* Scotiæ *Hominibus ſuis:* All that I mean is, That Sir *Colin Campbell* ſeems to have been the Firſt of his Illuſtrious Family, at leaſt, that I have ſeen, who took out a Charter of his Eſtate from the Crown, which, we are ſure, he did, from a very authentick Voucher, the Charter itſelf, under the Great Seal (*c*), which here follows:

Robertus, *DEI Gratia, Rex* Scotorum, *omnibus probis Hominibus totius Terre ſue, ſalutem. Sciatis nos dediſſe, conceſſiſſe, et hac preſenti Charta noſtra confirmaſſe* Colino, *Filio* Nigelli Cambel, *militis, dilecto & fideli noſtro, pro Homagio & Servitio ſuo, totam Terram de* Lochow, *& Terram de* Ardſeodyrthe, *cum Pertinen. Tenend. & Habend. dicto* Colino, *& Heredibus ſuis, de nobis, & Heredibus noſtris, in Feodo & Hereditate, in unam liberam Barroniam, per omnes rectas Metas, & Diviſas ſuas, in Boſco & Plano, Pratis & Paſcuis, Moris & Mareſiis, Petariis, Viis, Semitis, in Aquis, Stagnis, Vivariis, & Molendinis, & cum Eccleſiarum Advocationibus, in Venationibus & Aucupationibus, et in omnibus aliis Libertatibus, Commoditatibus, & juſtis Pertinentiis ſuis, tam non nominatis quam nominatis; adeo Libere & Quiete, Plenarie & Honorifice, ſicut aliqui Barrones noſtri in* Ergadia *Barronias ſuas de nobis tenent, ſeu poſſident: Inveniendo nobis, & Heredibus noſtris, dictus* Colinus, *& Heredes ſui in dictis Terris, unam navem quadraginta Remorum in Servitio noſtro, cum omnibus Pertinentiis ſuis, & Hominibus ſufficientibus, ſumptibus ejuſdem* Colini, *& Heredum ſuorum, per quadraginta Dies quotiens fuerit premonitus; & cum Exercitum noſtrum per Terram habere volumus, dictus* Colinus *& Heredes ſui facient forinſecum Servitium pro dicta Barronia, ſicut alii Barrones noſtri de* Ergadia *fecerint pro Barroniis ſuis. In cujus Rei Teſtimonium preſenti Charte noſtre, Sigillum noſtrum precepimus apponi. Teſtibus* Bernardo, *Abbate de* Arbroath, *Cancellario noſtro,* Johanne *de* Mentethe, Gilberto *de* Haya, *Conſtabulario noſtro* Scotiæ. David *de* Berkeley, W. . . . . Johanne Seneſcallo, & Malcolmo *de* Innerpeffer, *Militibus: Apud* Arbroath, *decimo Die* Februarii, *Anno Regni noſtri nono.*

To this Sir *Colin* ſucceeded his Son Sir *Archibald*, as is plain from a Charter of King *David* II. whereby he ratifies and confirms a former Deed, of *Mary* Counteſs of *Menteth, Dilecto & ſpeciali Conſanguineo ſuo,* Gileaſpoch Cambel, *Filio quondam* Colini Cambel, *Militis, & Heredibus de ſuo Corpore Legitime ac Succeſſive procreatis ſeu procreandis, totam Terram noſtram de* Kilmun (*d*). The ſame King, of his Royal Bounty, gave

L *Domi-*

(*a*) Abbot *Miln*'s Lives of the Biſhops of *Dunkeld*, M. S. *in Bibliotheca Juridica Edinburg.* (*b*) Mr. *Duncanſon*'s Hiſtory of the Houſe of *Argyle*, M.S. *penes me.* (*c*) *Charta penes Ducem de* Argyle. (*d*) *Ib.*

Domino Gileſpyk Cambel, *Dilecto & Fideli ſuo, integrum Dominium totius Barroniæ de* Molfrath, *cum Pertinentiis, una cum toto jure, quod ratione forisfacture heredum dictæ Barroniæ, contra Fidem & Pacem noſtram, exiſtentium, habemus. Data apud* Aberdeen, *ſecundo Die* Maii, *Anno Regni noſtri quartodecimo, Teſt.* Roberto, *Seneſcallo* Scotiæ, *Nepote noſtro,* Mauricio *de* Moravia, Thoma *de* Carnotto, *Cancellario noſtro, &* Philipo *de* Meldrum, *Militibus (a).* He alſo obtained a Grant from *John Menteth, Dominus de* Knapdale *& de* Aran, who calls him *fidelis Conſanguineus ſuus,* Gileaſpock Cambel, *Dominus de* Lochow, of a vaſt many Lands, *in Vigilia Sancti* Andreæ *Apoſtoli* 1352 *(b).* The ſame Sir *Archibald,* called in the Record *Gileaſpoch,* and *Colin* his Son, *& heredes Maſculi dicti* Colini, had a Grant from King *Robert* II. with Conſent of *John* Earl of *Carrick* the Prince, his Son, *officium Locumtenentis, & Commiſſionem ſpecialem, infra* Carndrone, *uſque ad* Polgillip, *&* Polmeſtreth, *&* Lochlonge, *infra Vicecomitatum noſtrum de* Ergile, *& dimidiam partem Wardarum, Releviorum, Maritagiorum, Eſchetarum ſuarum, Amerciamentorum, et aliorum Lucrorum quorumcunque, & Emblamentorum, infra dictas Bondas Contingen. (c).* This Sir *Archibald,* by his Wife, a Lady of the Family of the *Menteiths,* had *Colin* his Son, who is deſigned *Dominus de* Lochow, in a Grant he had from King *Robert* III. *de una Denariata Terre de* Ardnallade, *una quadranta Terre de* Dalack-Fort, *Denariata Terre de* Glenlyn, *et totas Terras de* Innerdubigone, *Jacen. in Dominio noſtro de* Cowall *inferiori, que quidem Terre, cum Pertinentiis, fuerunt dilecti Filii noſtri naturalis,* Johannis *Seneſcalli, de* Achingoun, *hereditarie;* and which he reſigned, *Teſtibus* Gilberto *Epiſcopo* Aberdonen. *Cancellario noſtro, dilecto Fratre noſtro* Alexandro, *Comite de* Buchan, *Magiſtro* Waltero Foreſter, *Secretario noſtro,* Johanne *Seneſcallo Vicecomite de* Bute, Johanne *Seneſcallo Clerico Probationis Domus noſtre, Fratribus noſtris naturalibus,* Mauricio Fynlao, *&* Celeſtino, *Eccleſiarum de* Dunhen *de* Lochlow, *et de* Melfort, *Rectoribus,* Jacobo *de* Dalrympl, Johanne *de* Crawfurd, *Clericis noſtris. Apud caſtrum noſtrum de* Rothſay, *vigeſimo Die* Juni 1404, *& Regni noſtri quintodecimo (d).* The ſame *Colin* had a Grant from *Robert* Duke of *Albany,* Earl of *Fife* and *Menteth,* of the Lands of *Struchachy, infra Baroniam de* Cowal Seneſcalli, *et omnes alias Terras quas de Comite de* Menteth *tenuit, et heredibus Maſculis de Corpore ſuo Legitime procreatis; quibus deficientibus, heredibus ſuis Maſculis quibuſcunque de Cognomine* Cambel, *portantibus Arma ejuſdem.* Which is the firſt Time I have found ſuch a Clauſe in any Charter. *Teſtibus* Roberto Seneſcallo, *Filio heredis noſtri* Murdaci Seneſcalli, *de* Kinclevyn, *Militis,* Duncano, *Comite de* Levenax, Roberto *de* Erſken, *de* Allaway, Willielmo *de* Lindſay, *de* Byres, Johanne *de* Erſken, Waltero *de* Buchanan, *&* Alexandro *de* Hamilton, *Militibus*; Johanne Seneſcallo *de* Dernle, Umphredo *de* Colquhun, Murdaco *de* Lecky, *&* Johanne *de* Buchanan, *Senitferis*; Andrea *de* Hawick, *Cancellario* Dunkelden, *Secretario noſtro, cum multis aliis: Apud* Strivelyn, *quinto Die* Maii, 1404 *(e).* By *Marjory* his Wife he had a Son

SIR *Duncan,* who is the Firſt of the Family that took the Title of *Argyle,* for he is ſo deſigned *Duncanus Cambel* de *Ergyle*: When he was ſent up to *England,* as one of the Hoſtages for the Ranſom of King *James* I. in 1423 *(f),* yet he did not altogether relinquiſh the old Title of *Lochow,* but is frequently found ſo deſigned afterward, particularly in his Foundation-Charter of the Collegiate Church of *Kilmun, Anno* 1442, which is ſtill to be ſeen in the publick Records. Sir *Duncan,* after this, was, by King *James* II. created Lord *Campbell*; For Authority of this, there is a Charter ſtill to be ſeen *(g),* granted

(a) *Charta penes Ducem de* Argyle. (b) *Ib.* (c) *Charta in pub. Archivis,* confirmed by King *James* III. to *Colin* Earl of *Argyle.* (d) *Charta penes Ducem de* Argyle. (e) *Ibid.* (f) *Rymer.* (g) *Charta in pub. Archivis.*

granted by that Prince, Duncano *Domino* Cambel, *pro ſuis gratuitis Servitiis quondam Genitori noſtro bonæ Memoriæ, & ſpecialiter apud Caſtrum de* Roxburgh, *Tempore obſidionis ejuſdem, per eundem gratiſſime impenſis, et pro ſuis Servitiis nobis etiam impenſis & impendendis, &c.* of a vaſt Number of Lands, *jacen. in Dominio noſtro de* Cowall, *infra Vicecomit.* Ergadiæ, all erected and united into one free and intire Barony, *Barroniam de* Carloch-Rowel *perpetuis futuris temporibus nuncupandis. Data* 19 Junii 1453 (*a*). He died ſoon thereafter the ſame Year, and was ſucceeded by *Colin* his Grand-Son, the Noble Lord whoſe Life I here write.

BEING left young at his Grandfather's Death, he was under the Tuition of his Uncle Sir *Colin Campbell* of *Glenurchy* (*b*), who very faithfully diſcharged the Truſt repoſed in him, and at length brought about a Match for his Nephew, one of the three Daughters and Coheirs of the Lord *Lorn*, Sir *Colin*'s own Wife's Siſter, which brought a very conſiderable Acceſſion both of Wealth and Honour to his Illuſtrious Houſe.

THIS Family having been always very ſignal in their Fidelity to the Crown, and the young Lord *Campbell* himſelf having given many Proofs, that he did not deviate from the Paths of Vertue and Loyalty, in which his Noble Anceſtors had trode, was pitched on by King *James* II. to be one of thoſe Lords who were to be advanced to the Dignity of Earls, that the greater Rank of the Nobility might be as little diminiſhed as poſſible, by the Forfaulture and Extinction of the Earls of *Douglaſs*, *Murray*, and *Ormond*: And therefore that Prince was graciouſly pleaſed to raiſe *Colin*, Lord *Campbell*, to the Honour and Rank of Earl of *Argyle*, and *James* Lord *Dalkeith* to the Title of Earl of *Morton*, *Anno* 1457 (*c*), which is all that I have found memorable concerning the Earl during the Remainder of that Reign.

AFTER the Acceſſion of King *James* III. to the Crown, the Earl being a Noble Man of great Parts, Prudence and Activity, was in 1463, joined with divers other Lords in a Commiſſion of Embaſſy to *England*, in Order to negotiate a Truce and Ceſſation of War with King *Edward* IV. of *England*, which was agreed to upon the following Conditions: "1*ſt*, That it ſhould laſt "from the 16 Day of *December* by "Land, and freſh Water, to the laſt "Day of *October* next coming, and "from the firſt Day of *Februar*, next, "till the ſame laſt Day of *October* by "Sea. 2*dly*, That *James* King of "*Scotland*, ſhall give no Aſſiſtance "to *Henry*, late calling himſelf King "of *England*, *Margaret* his Wife, *Ed*"*ward* his Son, *Henry Stanford* late "Duke of *Somerſet*, *Thomas* late Lord "*Roſs*, *Robert* late Lord *Hungerford*, "Sir *Ralph Gray*, Sir *Richard Tun*"*ſtall*, nor to any other of the "Traitors or Rebels to *Edward* "King of *England*, That he ſhall "not Protect them or any of them "within his Dominions, longer than "he is obliged to do by his ſafe "Conduct already granted to them, "and that he ſhall not grant another "ſafe Conduct during the Abſtinence "or Truce. 3*dly*, That in the like "Manner, *Edward* King of *England* "ſhall give no Countenance nor Pro"tection to any Traitors or Rebels to "King *James*, and that he ſhall grant "no ſafe Conducts to any of them, o"ther than are already granted. 4*thly*, "That in Regard, *James* Earl of *Dou*"*glaſs* was become Liege-Man to "King *Edward*, he and ſuch other "Scotſmen as are, or may become "his Subjects or Liege-Men ſhould "injoy the Benefit of the Truce. 5*thly*, "That if *Henry*, late called King of "*England*, his Wife, or his Son, or "any other their Adherents, have; "or ſhall put themſelves in the Obey"ſance of, or become Liege-Men to "the ſaid King *James*, they ſhould,

(*a*) *Charta in pub. Archivis.* (*b*) Mr. *Duncanſon*'s Hiſtory of the Family of *Argyle*, M. S. *penes me.* (*c*) *Charta penes Comitem de* Morton.

" in that Caſe, have the Benefit of " the Truce as all other his Liege-" Men (*a*). " Soon after the Earl's Return, he was conſtituted Maſter of the King's Houſhold, *Magiſter Hoſpitii* in 1464 (*b*), upon the Surrender of that Office by the Lord *Livingſton*: And the next enſuing Year 1465, the Earl, and the Lord *Boyd*, who was now become the Prime Miniſter, were conſtituted joint Lords of Juſticiary be-South the River of *Forth*, *Ex Auſtrali parte Aquæ de Forth* (*c*), an Office, upon the Fall of the Lord *Boyd*, the Earl exerciſed by himſelf for many Years thereafter.

THE Earl, as I have before obſerved, brought a great Addition to his Fortune by the Marriage of the Lady *Iſabel Stewart*, the Daughter and one of the three Co Heirs of *John* Lord *Lorn*, and having acquired moſt of the Shares of the other two Siſters, he thereupon added the Stile and Deſignation of *Dominus Lorn* to his other Titles (*d*), and took the Galley a Part of the Arms of that Family into his own Atchievement. But that his Lordſhip might do no Injuſtice to *Walter Stewart* of *Innermeath*, his Lady's Uncle, in the Matter of the Honour which he claimed as his Right, and ſome Time uſed it (*e*), he had the Intereſt with King *James* III. to procure him the Title of Lord *Innermeath* in Lieu of that of *Lorn* (*f*). And Matters being at Length fully adjuſted among all the Parties, he took out a new Right from the Crown, of the whole Lordſhip of *Lorn*, upon the Reſignation of *Walter* Lord *Innermeath* (*g*): But that it might be unite to his own Eſtate, and continue in the Family of *Argyle* for ever, in Caſe of Failure of Male Children of his own Body, he entailed and provided it to Sir *Colin Campbell* of *Glenurchy*, Knight, the Earl's Uncle and his Heirs Male; which failing, to another *Colin Campbell* in *Le-Soume*, Brother German as he is called, to the ſaid Sir *Colin Campbell* of *Glenurchy*; and in Failure of his Iſſue Male, to *Duncan Campbell* another Brother of *Glenurchy*'s and his Male Iſſue; which failing, it is provided to deſcend to *Colin Campbell* of *Arduquholm*, and to the Heirs Male of his Body; which failing, to two of his Brothers, *Archibald and Robert Campbells*, and the Heirs Male of their reſpective Bodies: This Deed bears Date 17th of *April* 1470 (*h*).

THE Earl, at this Time, being buſied with his own Domeſtick Tranſactions, as I have related, lay by as it were unconcerned, and forebore to meddle in the Conteſt about the Court betwixt the *Kennedys* and the *Boyds*, which was ſo fatal to the latter; but about that Time, he was one of the Plenipotentiaries ſent from *Scotland* to treat with the *Engliſh* about repairing any Breaches had been made upon the Truce by the Subjects of either Kingdoms (*i*), all which were not only adjuſted, but the Peace further prorogued till the Month of *July* 1483; and that the Peace might be the more laſting and the better cemented, a Match was propoſed between the Prince of *Scotland* and the Princeſs *Cicill*, Daughter of King *Edward* the IV. of *England*, and, tho' it was afterward agreed to, yet I know not by what Accident, the Marriage never took Effect. It was in Conſideration, as I take it, of his Service at this Time performed, That the King made a Grant *Dilecto Conſanguineo ſuo, & Conſiliario*, Colino *Comiti de* Ergile, *pro ſingulare favore quem gerimus eidem, & pro ſuis gratuitis Servitiis, centum & ſexaginta mercatas terrarum Dominii de* Knapdale, *una cum cuſtodia Caſtri de* Caſtle-Soame *jacen. in Vicecomitatu de* Pearth, *& nunc per novam Creationem & Statutum noſtri Parliamenti, jacen. infra Vicecomit. de* Tarbet, and was *de novo* erected into a Barony, to be called the Barony of *Kilmichel*, *dicto* Colino, *Comiti de* Ergile, *& hæredibus maſculis de corpore ſuo legitime procreatis, ſeu procreandis; quibus deficientibus,* Duncano Campbell *de* Glenurcha, *& here-*

(*a*) *Rymer.* (*b*) *Ibidem ad Annum* 1464. (*c*) *Charta penes Comitem de* Wigton. (*d*) *Charta in pub. Archivis ad Annum* 1470. (*e*) *Ibidem ad Annum* 1469. and 1470. (*f*) *Ibidem.* (*g*) *Charta in pub. Archivis.* (*h*) *Ibidem.* (*i*) *Rymer ad Annum* 1475.

heredibus ſuis maſculis; quibus deficientibus, Duncano Campbell *de* Kilmichell, *& heredibus ſuis maſculis; quibus deficientibus*, Archibaldo Campbell *de* Ottar, *&c. quibus deficientibus*, Colino Campbell *de* Ormydill, *&c. quibus deficientibus*, Johanni Campbell *de* Ardkinleſs *& heredibus ſuis maſculis, &c (a)*. This Charter bears Date the 26th of *February* 1480.

IT was not long after this, the Earl of *Argile*, Arch-Biſhop *Schevez* of St. *Andrews*, the Lords *Evandale*, *Glamis*, and *Fleming*, Dr. *Alexander Inglis*, Dean of *Dunkeld*, Dr. *John Ireland* D. D. and Rector of *Hawick*, were commiſſioned Ambaſſadors to *France*, to renew the ancient League with that Crown, and to enter into ſuch new ones, as by mutual Conſent ſhould be agreed to: Purſuant to this Commiſſion, the League was ſealed and ſworn to by *Charles* VIII. at *Paris*, the 9th of *July* 1484, in the ſame Manner, and with the ſame Solemnities uſed by King *James* in Preſence of the *French* Ambaſſador at *Edinburgh*: The original Copy with the *French* King's Subſcription and Seal is extant in the publick Archives. Upon the Earl's Return, his Majeſty, having an intire Confidence in his great Abilities, was graciouſly pleaſed to make him Lord High Chancellor of *Scotland*, upon the Death of Biſhop *Livington*. Soon after which, the Lord Chancellor was named one of the Plenipotentiaries for *Scotland*, at the Congreſs of *Nottingham*, where a Truce was agreed to, which ſhould begin at the riſing of the Sun on the 29th of the Inſtant Month of *September* 1484, and laſt till the ſetting of the Sun on the 29th of *September* 1487 (*b*), *&c.* He was alſo appointed one of the Commiſſioners who were to meet on certain Days at certain Places on the Borders, for redreſſing of Offences, and declaring and publiſhing the Truce (*c*): And it was further agreed to, "That there be aſſigned for to "mete for the midel Merches at "*Randburn* the furſt Daie of *Decem-*"*bre*, for the Partie of *Ingland*, th' "Erle of *Northumbreland*, Lord *Graj-*"*ſtock*, Lord *Scroop* of *Maſham*, Sir "*William Gaſtoyne*, and Sir *Robert* "*Conſtable* Knights, or thre of thaim, "and for the Partie of *Scotlande*, th' "Erle of *Anguſs*, the Erle of *Huntle*, "the Erle of *Ergile* Chancelliar of "*Scotlande*, Lord *Avandale*, Lord "*Seton*, Lord *Oliphant*, and the Larde "of *Stobhall* or thre of thaim, and "the ſame Commiſſioners of both "Parties, ſhall than and there De-"pute certain Perſons that ſhall paſſe "and ſee, that the Bounds of *Bervick* "be accordyng to the fourme of the "Endentures of the Treuces forſaid. And that this Peace might be the more laſting, a Marriage was propoſed betwixt the Prince of *Scotland*, and the Lady *Ann de la Pool*, Daughter to *John* Duke of *Suffolk*, and Neice to King *Richard* of *England*: Accordingly in this View King *James* grants a Commiſſion to the Earl of *Argyle*, Lord Chancellor, Biſhop *Elphinſton* of *Aberdeen*, the Lord *Lile*, the Lord *Oliphant*, and the Laird of *Stobhall*, Mr. Secretary *Whitelaw*, the Lion King at Arms, and *Duncan Dundas*, or any three of them, providing always that the Lord Chancellor be one of the Number, *Poteſtatem generalem & Mandatum ſpeciale pro nobis, & nomine noſtro, cum excellentiſſimo Principe* Ricardo, *Rege* Angliæ, *ſuiſque Ambaſſiatoribus, ab eodem excellentiſſimo Principe ſpecialem Poteſtatem habentibus, de & ſuper Matrimonio inter primogenitum noſtrum*, Jacobum, *Ducem de* Rothſay, *Comitem de* Carrick, *& inclitam Dominam* Annam, *Neptem ſereniſſimi Principis, Regis* Richardi Angliæ, *filiam unicam nobilis & potentis Principis* Joannis, *Ducis de* Suffolk, *contrahendis (d)*: In fine the Match was agreed to, and the Lady took upon her the Title of Dutcheſs of *Rotheſay*, but the Marriage never took Effect, by Reaſon of the ſhort Life of King *Richard* her Uncle, and the ſubſequent Revolutions in *England*. It was at this

(*a*) *Charta in pub. Archivis.* (*b*) *Rymer.* (*c*) *Ibidem.* (*d*) *Ibidem.*

Time, the King beſtowed upon the Lord Chancellor the Lands of *Pinkerton in Dominio de* Dunbar, then in the Crown, by the Forfeiture, as the Charter narrates, of *Alexander* Duke of *Albany* (*a*), which ſufficiently ſhews, that the Chancellor approved of all the Meaſures the King had taken, with his unnatural and rebellious Brother.

WHEN the Troubles began in this Reign, the Lord Chancellor, who was a wiſe Man, and ſaw to what a Paſs Things were driving, always uſed his beſt Offices of Mediation in a View of adjuſting Matters amicably, and in a Way of Peace; and though his Endeavours were not attended with that Succeſs that all good Men would have wiſhed, yet he ought not to be robbed of the Honour of it, as he is very unaccountably by ſome of our Hiſtorians. I cannot conceive what has led them into ſuch a palpable Miſtake, as to aſſert, That the Earl of *Argyle* was one of the Heads of the Party againſt the King (*b*): For who can eaſily believe, that the Lord Chancellor, who had hitherto acted ſo Noble and ſo Loyal a Part, in Oppoſition to the Duke of *Albany*, and accepted a Part of his Forfaulture, as we are ſure he did, could have been ſo ſoon thereafter induced to join the ſame Party, whoſe Deſigns he had but ſo lately contributed to cruſh and defeat. Yea, he was ſo far from being in that Confederacy, that, on the contrary, 'tis certain he adhered to the King with the outmoſt Fidelity, and the only Reaſon why the Lord Chancellor was not with the other Loyal Peers, in Arms for his Majeſty, ſeems to be, That juſt before Things came to a total Rupture in the Month of *May*, of the Year 1488, he was one of the Ambaſſadors the King ſent to *Henry* VII. of *England*, to beſeech that Prince, that he would interpoſe his beſt Offices of Mediation, for allaying the Heats, and compoſing the Animoſities, a Faction of his own Subjects had raiſed againſt him; and if theſe gentler Methods would not do, he intreated his Neighbour and Ally King *Henry*, as Mr. *Buchanan* tells us, to lend him ſome Auxiliary Troops, that ſo they might be reduced to Obedience by Force. My learned Author, Mr. *George*, does not name the Commiſſioners; but to ſupply that Defect in him, I ſhall ſet them down here from the Letters of ſafe Conduct they obtained from the King of *England* for that Effect.

Rex, univerſis & ſingulis Admiralis, &c. *ſalutem. Sciatis, Quod nos, de Gratia ſpeciali, ac de Aviſamento et Aſſenſu Concilii noſtri, ſuſcepimus in ſalvum et ſecurum Conductum noſtrum, ac in Protectionem, Tuitionem, et Defenſionem noſtram ſpecialem, venerabiles in Chriſto Patres,* Robertum, *Epiſcopum* Glaſguenſem, & Georgium, *Epiſcopum* Dunkeldenſem, Colinum, *Comitem de* Ergile, *Cancellarium* Scotiæ, *Patricium, Dominum* Hallis, Robertum, *Dominum* Lile, Mattheum Stewart, *Magiſtrum de* Dernle, Alexandrum, *Magiſtrum de* Hume, *aut quatuor eorum, cum centum, & ſexaginta Perſonis, vel infra, in Comitiva ſua,* &c (*c*). *prout in ſimilibus de Conductu Literis.*

IT was at this Time of the Earl's Embaſſy, that he reſigned the Chancellor's Place, which was conferred on, or at leaſt ſupplyed by, Biſhop *Elphinſton* of *Aberdeen*, who thereupon is deſigned *Cancellarius Scotiæ*, in ſeveral Charters of King *James* III. from the 21ſt Day of *Feb.* (*d*), till the 11th of *June* 1488, that the King was ſlain.

SUCH a wiſe Man as the Earl of *Argyle* was, could not but think it a Piece of great Happineſs, that he was out of the Way, and upon ſo honourable an Occaſion too, during the

(*a*) Charter under the Great Seal in the Records, *ad Annum* 1483. (*b*) *Fererius* ſays ſo for one, but *Buchanan* ſays no ſuch Thing, which he would ſcarce have omitted, had he but heard the Tradition of it. As for *Fererius*, his Authority is of little Weight; for though he was a learned Man, yet he was a Stranger, and reſided moſtly, while he was here, in a remote Corner, and conſequently had little Acceſs to know the Tranſactions of former Times. (*c*) Rymer's *Fœdera ad Annum* 1488. (*d*) *Charta in pub. Archivis.*

the miſerable Confuſions that ſo quickly enſued. Every Body, that's in the leaſt acquainted with our Hiſtory, knows what was the King's Fate, which I ſhall not recount here, ſince this Noble Lord was nowiſe concerned in the diſmal Tragedy; and from what appears, tho' he could never be induced, in any Degree, to approve of the Meaſures had been taken in Reference to the late King; yet the new Miniſtry, under King *James* IV. for the Honour of the Government, brought him to a Share in the Adminiſtration, and again made him Lord Chancellor, Biſhop *Elphinſton*'s Commiſſion being at an End, by the Death of his Royal Maſter.

AFTER this ſad Scene of Troubles, there ſucceeded a long Calm of Peace, ſo that we read of nothing remarkable concerning the Lord Chancellor, only that he obtained an Act of Parliament changing the Name of his Caſtle of *Gloume* in *Clackmannan* Shire, to that of *Caſtle-Campbell* (*a*). But in 1492, a Truce being prolonged with *England*, from the 21ſt of *December* that ſame Year, till the 21ſt of the ſame Month 1496, the Lord Chancellor and certain other Lords Spiritual and Temporal were appointed, to ſign and ſeal the Ratification of their reſpective Sovereigns, *Subſcriptione & Sigillatione certorum Dominorum, & Nobilium Spiritualium & Temporalium, ex parte utriuſque Principum* (*b*), a Practice which ſeems to be new, at leaſt, ſuch as I have not obſerved before, till this Time. The reſt of the Guarantees, beſide the Lord Chancellor, were, Biſhop *Elphinſton* of *Aberdeen*, Biſhop *Brown* of *Dunkeld*, Biſhop *Vauſs* of *Galloway*, the Lords *Lile*, *Oliphant*, and *Drummond*. From henceforth the Lord Chancellor continued in the higheſt Favour with his Prince, and in the moſt univerſal Eſteem of the whole Nation, of any Man of that Time till his Death, in the Beginning of the Year 1493 (*c*). He left Iſſue by the Lady *Iſabel Stewart* his Wife aforeſaid, *Archibald* his Succeſſor, who was Maſter of the Houſhold, in the Reign of *James* IV. and Daughters.

Margaret, married to *George* Lord *Seaton*.
Iſabel, to *William* Maſter of *Drummond*.
Helen, to *Hugh* Earl of *Eglinton*.
Elizabeth, to *John* Lord *Oliphant*.
Mary, to *Æneas* Maſter of the Iſles.

William Biſhop of *Aberdeen*.

THIS Excellent Prelate was the Son of Mr. *William Elphinſton*, a younger Brother of the Noble Family of *Elphinſton*, who tranſported himſelf to the City of *Glaſgow* in the Reign of King *James* I. where he fixed his Reſidence, and became the Root of that Branch of the *Elphinſtons* of *Blythſwood* in *Lanerkſhire*, who were for a long While eminent Burgeſſes of that City. His Wife was *Margaret Douglaſs* of the Houſe of *Mains* in *Dunbarton* Shire (*d*). By her he had ſeveral Children, beſide the Biſhop whoſe Life I write. While Mr. *Elphinſton* was a Widower, out of a Principle of Devotion, or ſome other Motive, he entered into Holy Orders, and was firſt made Rector of *Kirkmichael* (*e*), and at Length Arch-Deacon of *Teviotdale*, in which Station, he died on the 30th of *June* 1486 (*f*), after he had had the Comfort of ſeeing his Son Biſhop of *Aberdeen*.

OUR Prelate was born in the City of *Glaſgow* in the Year of our Lord 1437 (*g*), his Inclinations to Piety and Vertue, we are told by a learned Author (*h*), were remarkable even from his Childhood; for when he was a young Boy, he was obſerved to be conſtantly at his Devotions, and

(*a*) Black Acts of Parliament. (*b*) *Rymer*. (*c*) Records of Parliament. (*d*) Genealogical Deſcent of the *Elphinſtons* of *Blythſwood*, M. S. *penes me*. (*e*) Chartulary of the Univerſity of *Glaſgow*, lent me with great Courteſy and Civility, by the Favour of the Reverend Mr. *John Stirling*, the preſent Principal. (*f*) Obituary of *Glaſgow*, *Obiit Magiſter* Willielmus Elphinſton, *Archi-Diaconus* Tividaliæ, *Pater* Willielmi *Epiſcopi* Aberdonen. *penes me*. (*g*) Boethius *in vitis Epiſcoporum Aberdonen.* and Dr. *Mackenzies* Lives of the *Scots* Writers. (*h*) *Ibidem*.

uſed to frequent the publick Worſhip every Day. His Parents obſerving his early Inclinations to Learning as well as Piety, took great Care of his Education, both in the Inferior Schools, and at the Univerſity of *Glaſgow*, which was then founded there by the ever Memorable Biſhop *Turnbull* (*a*), who much cheriſhed Mr. *Elphinſton* in that Seaſon of his Age: Having finiſhed the Courſe of his Studies in the *Belles Lettres* and Philoſophy, he took his Degrees in Arts in his twentieth Year, *Anno* 1457 (*b*); after this, applying himſelf to the Study of Divinity with great Diligence and Aſſiduity, he took Holy Orders, and was made ſoon thereafter Rector of *Kirkmichael*, *Boethius* calls it St. *Michael*'s Church within the City of *Glaſgow* (*c*), he held the Rectory for about four Years, and with great Fidelity performed the Duty of his Office; but reſolving to go abroad to perfect his Studies, he quit his paſtoral Function and went over to *France* (*d*), where he applied himſelf to the Study of the Civil and Canon Law, and in theſe Studies he improved his good natural Parts by his great Induſtry, and at Length commenced Dr. of both Laws.

ALTHOUGH Dr. *Elphinſton* was a Stranger in *France*, yet his Eminent Qualifications began very quickly to be taken Notice of, inſomuch as, merely upon the Fame of his Abilities and Learning, he was choſen Profeſſor of the Laws, firſt in the Univerſity of *Paris*, and afterward at *Orleans* (*e*), where he continued for about five or ſix Years, in great Honour and Reputation: At length, after nine Years Stay Abroad, upon the Importunity of his Friends, particularly Biſhop *Murehead* of *Glaſgow*, he was prevailed with to return home, which he did in the 1471 (*f*); and that the Biſhop might have the Advantage of converſing daily with ſo learned a Man as Dr. *Elphinſton*, he made him Parſon of *Glaſgow* (*g*), and Official of his Dioceſs (*h*), and the Univerſity here, where he had been bred, to teſtifie the Honour and Reſpect they had for the Doctor, choſe him that Year their Rector, which was the greateſt Honour the College, his *Alma Mater*, could confer upon him. After the Death of Biſhop *Murehead*, his great Friend and Patron, he was made Official of *Lothian* by Biſhop *Schevez* of St. *Andrews*, an Office which required the outmoſt Knowledge in the Laws, with which Dr. *Elphinſton* was by this Time eminently furniſhed. Upon the Reputation of his Parts and Learning, the King called him to his Great Council, the Parliament, where we frequently find him a ſitting Member, ſure not in the Character of his Office, as Official of *Glaſgow* or of *Lothian*, but allenarly by Virtue of the King's calling him there, by his Royal Letter or Summons; A Prerogative we ſee the Crown reſerved to itſelf, in the Caſe of the Barons, when King *James* II. thought fit to diſpenſe with their Attendance in Parliament (*i*). That the Sovereign exerted this Power of calling what Barons, or inferior Clergymen he pleaſed, to the Parliament, manifeſtly appears from our publick Archives throughout the whole of the Reign of *James* III. and *James* IV. For then we find not only Biſhops, Abbots, Priors, Earls, Barons, and the *Commiſſarii Burgorum*, as the Burroughs are called, ſitting and voting in Parliaments, but even Gentlemen who never pretended to a Peerage (*k*); yea, and ſometimes, as in the preſent Caſe, the Official of *Glaſgow*, ſometimes the Dean, and the Arch-Deacon of that See, and ſuch other inferior Clergymen who cannot be imagined came there upon any Conſideration whatſoever, but that the King called them there, as wiſe and learned Men, whom he knew were well

(*a*) Chartulary of the Univerſity of *Glaſgow*. (*b*) *Ibidem*. (*c*) Boethius *in vitis Epiſcoporum* Aberdonen. (*d*) *Ibidem*. (*e*) *Ibidem*. (*f*) Chartulary of the Univerſity of *Glaſgow*. (*g*) *Charta penes Dominum* Cardroſs, *ad Annum* 1475, Will. Elphinſton Rector *de* Glaſgow. (*h*) Chartulary of the College of *Glaſgow*. (*i*) Black Acts of Parliament, and the Records of Parliament compared. (*k*) Records of Parliament.

well qualified to give him Advice upon any Juncture, in the Grand Council of the Nation. To return to Dr. *Elphinſton*.

ABOUT this Time we are told by a Reverend Hiſtorian *(a)*, That ſome Kind of Miſunderſtanding being like to ariſe betwixt King *James* III. and *Lewis* XI. of *France*, which tended to diſſolve the ancient League betwixt the two Nations; but that in Order to remove any Miſtakes, and to compoſe all Differences and Occaſions of Diſcord, Dr. *Elphinſton* was, together with the Earl of *Buchan*, the Lord Chamberlain, and Biſhop *Livingston* of *Dunkeld*, ſent Ambaſſadors to the Court of *France*, where, particularly the Doctor, by his great Prudence, managed Matters ſo dexterouſly, and ſo pathetically ſet forth the mutual Advantages that accrued to the reſpective Crowns by their Alliance, that the ſame learned Hiſtorian aſſures us, *That the old League and Amity was renewed, and all Occaſions of Diſcord quite removed* (*b*). Upon the Doctor's Return he was made Arch-Deacon of *Argyle*, *Anno* 1479 (*c*): But that being thought too low a Sphere for ſo great and learned a Man to act in, the King, to whom his great Worth and Merit was well known, reſolved to prefer him to a higher Office in the Church. The firſt Opportunity that offered, was in the 1481, that *John* Biſhop of *Roſs* dying (*d*), he was choſen Biſhop of that See, and the King's Letters patent under the Great Seal were ſo quickly diſpatched, confirming the Chapter's Election, that under the Title of *Electo & Confirmato Roſſen.* he took his Seat in Parliament, 18th of *March* 1482 (*e*). I know not what put off his Conſecration ſo long, but he is no more than Elect of *Roſs* all that Year, and I do not find him conſecrated ſooner than the 1ſt Day of *March* 1483, (*f*) that he is ſitting in Parliament as Biſhop of *Roſs*; but he continued little above a Year in this See: For in 1484, the Biſhoprick of *Aberdeen* falling void by the Tranſlation thence of Dr. *Robert Blackadder* to *Glaſgow*, he was tranſlated to that See, and the ſame Year, as Biſhop of *Aberdeen*, he is one of the Commiſſioners for a Truce with the *Engliſh*, which was at that Time ſettled and concluded (*g*): But a Truce was not all, a Match was likewiſe agreed to, betwixt the Prince of *Scotland* and the Lady *Anne*, the Neice of King *Richard* III. but as I have obſerved in the Life of *Colin* Earl of *Argyle*, a new Scene of Affairs in *England* made the Deſign of that Match abortive.

WHEN the Earl of *Richmond* came to the Crown of *England*, by the Name of *Henry* VII. *Anno* 1486, we find this wiſe Prince expreſſing a very ſincere Deſire, not only to continue the Truce with *Scotland*, but even ſolicitous to make up a more laſting Peace with King *James*: And as our King had no Mind to be at Variance with his Neighbour Prince; ſo he was nowiſe backward in entring into a ſtricter Alliance with him, and the Kingdom of *England*. In Order to which, King *James* appointed Biſhop *Elphinſton* of *Aberdeen*, Sir *John Ramſay* Lord *Bothwel*, the Lord *Kennedy*, the Abbot of *Hally-Rood-Houſe* Mr. *Ballinden*, Mr. Secretary *Whitelaw*, and *John Roſs* of *Mongreenen*, Ambaſſadors, to meet with thoſe named by King *Henry* of *England* for the ſame Purpoſe *(h)*, who, on the 3d of *July* 1486, agreed to a Ceſſation of Arms, till the 3d of the ſame Month 1489 (*i*): And the ſame Plenipotentiaries, to remove as much as poſſible all future Grounds and Cauſes of Diſcord, at leaſt for a Time, three ſeveral Marriages were propoſed betwixt fit Perſons of the

(*a*) Biſhop *Spotiſwood*. (*b*) *Ibidem*. (*c*) *Charta penes Comitem de* Wigton, *ad Annum* 1479, wherein *Magiſter* Willielmus Elphinſton *Archi-Diaconus* Argadiæ is mentioned; alſo Mr. *David Simpſon's* Collections, *penes me*. (*d*) *Charta in pub. Archivis*. (*e*) Records of Parliament. (*f*) *Ibid.* (*g*) *Rymer*. (*h*) King *James* original Commiſſion is at full Length to be ſeen in Mr. *Rymer's* Collections. (*i*) *Rymer*, The Truce was to begin *ab ortu ſolis tertiæ Diei Menſis inſtantis* Julii, *per tres Annos ſequentes*, viz. *Ab ortu ſolis tertiæ Diei Menſis* Julii. *qui erit in Anno Domini* 1489.

two Royal Families, wiſely concluding, that ſuch Matches would be a good Step toward a laſting Kindneſs, if not a final Peace betwixt the two Nations: But becauſe none of the three ſucceeded, I ſhall not further inſiſt upon them, only take Notice, That, in Order to compleat all the ſeveral Treaties of Peace, and Marriages that were propoſed, and for ending all Controverſies concerning the Town of *Berwick* which King *James* deſired ſo much to be repoſſeſſed of, "It is aggreit and concludit be the forſaid Comiſſioners of baith the Kings, That the Diet now late appointit at *Edinburgh*, be haldin the XXIV Day of *Januare*, to be obſervit and kepte, and all ſic Comunication thare to be had, as is compreſt in the ſaid laſt Indenture. And after the ſaid XXIV Day of *Januare*, there be a new Diet ſet, to be halden in the Month of *May*, at ſic a Place as ſal be ſene expedient to baith the ſaid Kings, to common, and conclude upon the ſaid Marriage or Marriages. And morover, it is thought expedient ane uther Diet to be ſet for the perſonal Meeting of the ſaid Kings, in the Month of *July* nixt to cum, at ſic a Place as can be betwixt thaim agreit, quhaire the ſaid King ſal be the Grace of God, common upon, uther gretiz Intelligences for the increſſing of mare Luſe, Amyte, and Tenderneſs betuix thame, thare Realms, Leiges and Subjects (*a*)." During the ſad Confuſions that quickly enſued, Biſhop *Elphinſton* did what was proper for him to do, in mediating betwixt the King and the diſcontented Nobles; and though he had not all the Succeſs that could have been wiſhed for, yet he did not deſert his diſtreſſed Sovereign, but adhered to him with the moſt inviolable Fidelity. But finding, that his Endeavours for Peace were not like to ſucceed at Home, he went up to *England*, toward the End of the Year 1487 (*b*), as we have Ground to believe, to try what King *Henry*, as a Neighbour King and Ally would do, to interpoſe and mediate a Peace betwixt King *James*, and ſuch of his Subjects as were forming a Rebellion againſt him; But tho' this great and good Man was not ſo ſucceſful in this Negotiation as he expected, yet the King look'd upon it, as a Piece of very good Service: And therefore, upon his Return, was pleaſed to conſtitute him Lord High Chancellor of *Scotland*, 21ſt *February* 1488 (*c*), and he held the Office till the King's Death, in little more than three Months thereafter.

AFTER this, the Biſhop retired to his Dioceſs, and applied himſelf cloſly to the Functions of his Epiſcopal Office; and particularly, we are told, in reforming what Abuſes he found amongſt his Clergy, and in framing and compoſing a *Book of Canons*, taken out of the Canons of the Primitive Church for their Inſtruction and Amendment; but he was quickly taken off this good Work, by being called to a Parliament, which met at *Edinburgh* the 6th *October* 1488, and aſſiſted at the Coronation of the young King *James* IV. (*d*) But the Earl of *Bothwell* who was now become the prime Miniſter, and had been deeply engaged againſt the late King, apprehending, that the Biſhop would not concur in approving the Meaſures had been taken, in Reference to the King's Death, which we ſee they intended to get ratified in Parliament: And therefore, to be rid of him at this Time, they voted him to be ſent Ambaſſador to *Germany*, with a Propoſal of Marriage betwixt the King his Maſter and the Princeſs *Margaret* the Emperor's Daughter (*e*), but before he reached the Court of *Vienna*, the Lady was promiſed in Marriage to the Prince of *Spain*. Tho' the Biſhop

(*a*) *Rymer's Fœdera Angliæ, Tom.* 12, *Page* 328, 329, &c. (*b*) *Rymer.* (*c*) *Charta in publicis Archivis, ad Annum* 1487. (*d*) Records of Parliament, and Dr. *Mackenzie's* Lives of the *Scots* Writers. (*e*) *Spotiſwood* and Dr. *Mackenzie's* Lives of the *Scots* Writers.

ſhop did not ſucceed in that Point, yet he reſolved his Country ſhould reap ſome good Effect of his Embaſſy: So that in his Way home, he removed not only all Seeds of Diſcord betwixt the Nation and the Eſtates of *Holland*, which had been long kept up with implacable Animoſity; but, in his Maſters Name, he concluded a firm and laſting Peace with the Eſtates, which was thought a Piece of more important Service to his Country, than if he had effected the Marriage he was ſent to negotiate.

Upon the Biſhop's Return, he was made Lord Privie-Seal *Anno* 1492, upon the Removal of Mr. *Hepburn* the Prior of St. *Andrews* from the Office, and the ſame Year, he was named one of the Commiſſioners, on the Part of *Scotland*, for the Prorogation of the Truce with the *Engliſh*; yet it ſeems, that the Treaty was not ſo punctually obſerved, but that ſome Hoſtilities were committed by the *Engliſh*, but much againſt their King's Will: But that no further Breaches might enſue, both Kings appointed Ambaſſadors, inſtructed with full Powers to redreſs all Attempts had been made againſt the Peace, the Plenipotentiaries for *Scotland* were, Biſhop *Elphinſton* Lord Privy Seal, Sir *John Roſs* of *Montgreenen*, Mr. *Fraſer* Dean of *Reſtalrig* Lord Regiſter, and Mr. *Lawſon* the Juſtice Clerk, who met with the *Engliſh* Commiſſioners at *Edinburgh*, and, on the 21ſt of *June*, prolonged the Truce till the laſt of *April* 1501.

The Commotions of State being now appeaſed at home, and Peace ſecured from abroad, gave the Biſhop an Occaſion to execute a Deſign he had long intended, That was, to erect an Univerſity at the City of old *Aberdeen*, for the Service of the Church, Religion, and Learning: And for that End, he humbly beſought the King, That he would Addreſs the Pope for Leave, by his Papal Authority to begin the Work: Accordingly the King did Write to Pope *Alexander* VI. who, the more to encourage Learning, ſent over, in 1494, a Bull, *Ad inſtantiam noſtram & requeſtum*, ſays the King, by which he erects *Univerſitatem & generale Studium, in Civitate veteri* Aberdonen. *cum omnibus Privilegiis, Univerſitatibus* Pariſienſium & Bononienſium, *ac quibuſvis aliis ſtudiis generalibus, conceſſis; ut inibi, favente Deo, viros producat alti Conſilii & Scientiarum margaritis ornatos, tam in Theologia, Jure Canonico, & Civili, quam Medicinis, & Artibus Liberalibus, & qualibet alia licita Facultate, perpetuis futuris temporibus*, &c. (*a*).

From this Time, the Biſhop bent all his Thoughts, as far as publick Buſineſs would give him Leave, upon erecting the Univerſity which he had dedicate to the Service of Learning; and thereupon, humbly prayed the King, that he would permit the College to be founded in his Royal Name, becauſe the Lawyers were of Opinion, That the Splendor and Authority of the King's Name was of great Importance toward founding a College in due and lawful Manner (*b*). Accordingly the King, who was always very favourably inclined toward the good of the Church, and the Encouragement of Learning, did, by his Letters Patent under the Great Seal, erect the College, and granted it very large Privileges: He alſo gave Leave to the Biſhop to place in it a Doctor of Theology Principal, a Doctor of the Canon Law, a Doctor of the Civil Law, a Doctor of Phyſick, a Profeſſor of Humanity to teach Grammar, a Sub-Principal to teach Philoſophy, a Chanter, a Sacriſt, ſix Students of Divinity, three Students of the Laws, thirteen Students of Philoſophy, an Organiſt, and five ſigning Boys, who were Students of Humanity: And to make Laws and Statutes, to oblige both them and their Succeſſors, by which, their Studies and Manners, their Offices and Profits, were to be regulated for ever.

(*a*) *Charta in Rotulis Jacobi* IV. *ad Annum* 1498. (*b*) Life of Arch-Biſhop *Chichle* of *Canterbury*.

About the ſame Time that he was buſied in founding the Univerſity, he alſo laid out a great deal of Money in adorning his Cathedral at *Aberdeen*, and in furniſhing the great Steeple with Bells, and the Library with many valuable Books, in all Kinds of Learning; beſide this, he gave very liberally toward the Building a magnificent Bridge over the River of *Dee*, near the City of *Aberdeen*; but I omit the reſt of his Benefactions, leaſt the Enumeration of every ſmaller Deed of Charity ſhould ſeem to detract from the Glory of his greater Actions. And yet it was obſerved, that for all the great and good Things this Prelate did, he never had any Benefice in *Commendam*, as moſt of the Prelates at that Time, I know, had, but merely the Revenue of his own See: Whereupon a reverend Hiſtorian (*a*), has this pious Reflection, *In him*, meaning Biſhop *Elphinſton*, ſays he, *we may truly ſee, that it is not the Abundance of worldly Goods, but the Bleſſing of God, that maketh rich.*

What Time the Biſhop could ſpare from his Devotions, and the Buſineſs of his Office, he employed in writing the Lives of the *Scots* Saints, which now and then, on ſolemn Days, he ordered to be read in Portions to his Clergy: Beſide, he wrote the Hiſtory of *Scotland*, from the firſt Riſe of the Nation till his own Time: This Work is ſtill extant amongſt Sir *Thomas Fairfax*'s M. SS. in the *Bodleian* Library at *Oxford*. My learned and worthy Friend, Dr. *George Mackenzie* tells us (*b*), *That General* Fairfax *got it from one Mr.* Drummond, *a Brother of* Hawthornden's, in 1650, perhaps it was his Brother's the learned Mr. *Drummond* our Hiſtorian, who died much about this Time.

Whilst the Biſhop was thus worthily imploying his Time, for the advancing of Piety and Learning, the diſmal News was brought him, of the King's being ſlain at the Battle of *Flowden*, which ſat heavy on his Spirits, and ſo affected him, that, we are told, he was never cheerful after it. The Queen Dowager, who was now Regent of the Kingdom, ſeems to have had no leſs Regard and Veneration for Biſhop *Elphinſton*, than the King her Husband had: For the Archiepiſcopal See of St. *Andrews* having fallen vacant by the Death of Arch-Biſhop *Stewart*, ſhe reſolved to bring him to the Primacy, and to ſet him at the Head of the Church; and that the neceſſary Forms of his Tranſlation might be alſe quickly diſpatch'd as poſſible, ſhe wrote to the Pope in his Favours for that Effect (*c*). About this Time a Parliament was called, to ſettle the miſerable and divided State of the Nation, and notwithſtanding of the Biſhop's great Age, he reſolved to be preſent, to give his Advice and Counſel in that Juncture: Accordingly he ſet out for *Edinburgh*, but ſickned in his Journey, and the ſixth Day after his coming thither, he ſurrendred up his Soul to God, on the 25th Day of *October*, in the Year 1514 (*d*), aged 77. His Body, by his own Direction, was interred in the Collegiate Church at *Aberdeen*, founded by himſelf, before the High Altar. The Reſpect and Veneration this Prelate was in, will appear from what is related to have happened at his Burial, by the Hiſtorians who lived near his Time, who write, That the Day his Corps was brought forth to be interred, the Silver Paſtoral Staff that was carried by one Mr. *Lauder* a Lawyer, broke in two Pieces, one Part thereof falling into the Grave where he was to be laid, and that a Voice was heard to cry, *Teſtum* Gulielme *Mitra ſepeliendo.*

Of all the Biſhops of *Scotland*, there is none whom our Hiſtorians have more commended than Biſhop *Elphinſton*, for they ſay, That he was a great Stateſman, a learned and pious Divine, and one who was beloved

(*a*) Biſhop *Spotiſwood.* (*b*) In his Lives of the *Scots* Writers. (*c*) *in Collect. Epiſtolarum Regum* Scotiæ, *&c. ab Anno* 1505 *ad Annum* 1626, *in Bibliotheca Juriſcon.* Edinburgi, The Queen's Letter is dated 5th of *Auguſt* 1514. (*d*) Obituary of *Glaſgow*, M. S. *penes me.*

loved and reverenced by all Men. And as he was eminently conſpicuous for his Piety and Charity; ſo he was no leſs ſo for his Learning and Probity: Never was there a Man known, ſay our Hiſtorians, to have been of greater Integrity of Life and Manners than Biſhop *Elphinſton*, it being obſerved of him, that after he was in Holy Orders, he was never known to have done or ſaid an unſeemly Thing: And as he was a faithful and dutiful Servant of Almighty GOD; ſo he was a moſt faithful and loyal Servant to his Vicegerent the King his Maſter, having, we ſee, endeavoured all that was poſſible to reclaim the factious Nobility, in the Reign of King *James* III. and to bring them to a due Senſe of their Duty. No Man has deſerved better of his Country than this excellent Prelate, or has left behind him more laſting and perpetual Monuments of his Love to his Country and Learning than he, nor has any Man in any Time attacked his Memory, or attempted to detract from, or leſſen the Character of his great Merit, ſave Mr. *Buchannan* alone. Indeed that great Hiſtorian falls upon the Biſhop, and tells us, that by his Advice, as was only thought, ſays he, the King too rigidly exacted the Caſualities of the Crown ariſing to the Soveraign, from the Wards and Recognitions, a Tax which was exceedingly murmured at, eſpecially by the better Sort, who were moſt likely to feel the Weight of it: But as Mr. *Buchannan* is the only Author that ſays ſo, and brings no Voucher for it; ſo I hope no Body at this Time of Day will be thought void of Charity, not to believe a Story which reflects upon the Memory of a Man; every Author whatſomever, ſave Mr. *Buchannan* himſelf, have ſpoke ſo well of; indeed ſome of Mr. *Buchannan*'s greateſt Admirers, have cenſured him in this Point, and have frankly enough owned, that it was not quite ſo fair in Mr. *George*, nor exactly agreeable to that Impartiality and Candor, that every Hiſtorian ought to obſerve, far more one of his great Name, to ſtain or leſſen the Reputation of ſuch Perſons, who have been the Ornaments of their Age, upon a bare *Rumour* or *Hearſay* of the Vulgar.

Archibald Earl of *Angus*.

WAS the Son and Heir of *George* the ſecond of that Name, of the illuſtrious Houſe of *Angus*, a Man of excellent Endowments both of Body and Mind, remarkable for his Wiſdom and Conduct, but was eſpecially famous for his Loyalty and Valour. He followed King *James* II. againſt his own Kinſman, the Earl of *Douglaſs*, whom, together with *Piercy* Earl of *Northumberland*, he overthrew in a bloody Battle at *Arkinholme* in 1455. (*a*) Afterward, when the *Engliſh* Army beſieged *Alnwick*, he marched thither with ten Thouſand Horſe, and in Sight of the Enemy brought off Monſieur *Briſac*, with 300 *Frenchmen* under his Command, who had been in the Caſtle, and carried them ſafe to *Scotland*. This noble Earl married *Elizabeth*, Daughter of Sir *Andrew Sibbald* of *Balgony*, Knight of the County of *Fife*, by whom he had *Archibald*, the V. Earl of *Angus*, who, the learned Editors of Biſhop *Douglaſs*'s *Virgil* ſay, *Was far from diminiſhing the Power, Riches and Grandeur, to which the Earl his Father had raiſed his illuſtrious Family. His Courage and Wiſdom were ſo remarkable* continue they, *that none was more honoured than he by all Ranks of Men*; *ſo that he was commonly called the great Earl of* Angus. The Forfeiture and Misfortune of the *Boyd*'s to whom he was nearly allied, were indeed no ſmall Affliction to him: Yet, by his Loyalty and prudent Behaviour, he preſerved his own Intereſt at Court, and had the Wardenſhip of the Eaſt and Middle Marches continued to him,

(*a*) Mr. *Hume*'s Hiſtory of the *Douglaſſes*.

even when his Friends were in the loweſt Circumſtances; but this was not all, for by the Royal Bounty of his Soveraign King *James* III. he had a Grant of the Caſtle, Caſtle-Lands and Pertinents of *Tamptallon*, all erected to him in a free Barony, (*a*) called the Barony of *Tamptallon*; and for what I can ſee, no Nobleman in the Nation was more in the King's Favour than he. What it was that induced the Earl of *Angus* to ſet himſelf at the Head of that Faction ſo ſoon thereafter, that affronted the King, and ſo ſummarily, and without the Forms of Law, hanged two of his Favourites over *Lauder* Bridge, I cannot tell: But even for all that, the King it ſeems found it neceſſary for his Service, not to break altogether with the Earl, for on the 15th of *April* 1482 (*b*), the Year after the Affair at *Lauder*, he was pleaſed to name his Lordſhip Warden of the Eaſt-Marches, and the Lord *Cathcart* of the Weſt, and their Acceptance of the Offices are thus entred in the Record of Parliament.

In Preſence of our Soverane Lord, Archibald *Earl of* Angus *tuke the Offiſe of Wardanry of the Eaſt-Marches, and was ſworn therto, in Preſence of the thre Eſtatis*; *and* Allan *Lord* Cathcart *tuke with the Office of Wardanry of the Weſt-Marches, and was ſworn therto in likeayſe*: *And our Soverane Lord ordains their Commiſſions to be made in due form, induring his Uil therupon.*

In Purſuance of the King's Nomination, their Commiſſions were expede under the Great Seal; the Earl of *Angus*'s I have ſeen, whereby he is conſtituted, made and appointed *Guardianum* Occidentalium *Marchiarum Regni noſtri verſus* Angliam, *cum Poteſtate tenendi Curias Guardiani, puniendi Tranſgreſſores & Delinquentes, Amerciamenta levandi, ac Officiarios negligentes & Remiſſos puniendi, ac Locumtenentes & Deputatos conſtituendi, cum feodis & profiſuris ad dictum Officium pertinen. & univerſa alia & ſingula Honoris Officium continen. faciendi, gerendi, exercitandi, ſecundum Jus & Conſuetudinem Regni, pro uno Anno a data eorundum, & ulterius pro Voluntate Regis, duratura* (*c*). But notwithſtanding it ſeems the King placed an unſuſpected Confidence in the Earl; yet 'tis plain (and which is ſtrange) that he was even then in a Concert with the Duke of *Albany* the King's Brother, to dethrone his lawful Soveraign, and ſet up the Duke in his Room: (*d*) Yea the better to conceal the Conſpiracy, and make the World believe he had Nothing more at Heart than the King's Happineſs and Proſperity, he juſt then founds and endows a Chaplanry at the Altar of the Bleſſed Virgin, as he calls it, in the Paroch of *Douglaſs*, for Divine Offices to be performed, *pro Salute Animæ ſereniſſimi Principis, Domini noſtri* Jacobi *tertii, Regis* Scotorum *illuſtris*, (*e*) &c.

But tho' the Earl of *Angus* was for ſetting aſide the King, and placing the Duke of *Albany* his Brother upon the Throne, yet he was not at all for taking away his Life: For if we may believe Mr. *Hume*, the Hiſtorian of the Houſe of *Douglaſs*, the Earl at the Battle of *Bannockburn*, how ſoon he perceived the Victory was on the Side of his Party, the confederate Nobility, *he cryed often to ſave the King, and beſought them for the Love of* GOD, *and Reſpect to the Prince his Son, to do no Harm to his Perſon.* And this is the more likely, that afterward in the Act about the *Debate and Cauſe of the Field of* Stirling, he is none of the Peers who are brought in juſtifying the King's Death, and declaring, *That he died thro' his own Default.* However the Government being ſettled under the young King, *James* IV. the Earl of *Angus* was, by Act of Parliament, conſtituted one of the Lords of his Majeſty's Privy Council (*f*), named Warden of the Eaſt Marches toward *England* (*g*), an Office he had long held in the former Reign; and, at length

(*a*) *Charta in pub. Archivis dat.* 13th *Octob.* 1479. (*b*) *Ibidem.* (*c*) *Ibidem datum apud* Edinburgum, *decimo ſexto die* Auguſti 1482. (*d*) *Rymer's* Collections of *Engliſh* Records. (*e*) *Charta in pub. Archivis.* (*f*) Records of Parliament. (*g*) *Ibidem.*

length, in the 1493, was made Lord High Chancellor of *Scotland*, the Place being then void by the Death of the Earl of *Argyle*. He continued in this great Office for the Space of five Years, and diſcharged it with great Sufficiency till the 1498, he reſigned the Great Seal, which was immediately put into the Hands of the Earl of *Huntly*. From henceforth there is little to be met with concerning the Earl, either in Hiſtory or in the publick Records of the Kingdom, till toward the End of this Reign, That we are told by moſt of our Hiſtorians, That the Earl of *Angus* took all imaginable Pains to diſſwade King *James* IV. from that Expedition which ended in the fatal Battle of *Flowden*; but when he could not prevail, he followed him into *England*, and when he found the King reſolved to fight, foreſeeing the dangerous Conſequences of this Reſolution, *He told the King, that he had given ſufficient Proofs of his Friendſhip to the King of* France, *by ravaging the Country, and taking ſome Caſtles, which had obliged the King of* England *to withdraw a great Part of his Army out of* France, *and aſſured him, that if he loſt his Army, which conſiſted of the beſt and moſt valiant of his Subjects, his People would certainly become a very eaſy Prey to the Enemy*: After this, ſeeing the King ſtill obſtinate, he is ſaid to have burſt out into Tears and ſaid, *ſo long as his Body was able to endure Labour and Toil, he had imployed it in Defence of the Country, and Honour of the King; but now ſeeing his Counſil, by which only he was capable of doing Good, could have no Place, he would leave his two Sons with the reſt of his Kinſmen and Friends in the Army, but begged Leave to return home himſelf.* Having thus ſpoken, he took a ſad Farewell of the King, and ſo departed: as the Earl had preſaged, ſo it fell out, for the Battle was loſt, the King himſelf ſlain, the Earl's two Sons and ſome two hundred Gentlemen of the Name of *Douglaſs* were all killed at *Flowden* Field on the 9th Day of *September* 1513. The Loſs of the King, his own Children, and the proſpect of the Calamities he foreſaw coming on his Country, ſat very heavy on his Spirits, and afflicted him exceedingly; ſo that he reſolved thenceforth to retire from the World, and ſpend the remainder of his Time in a Kind of religious Solitude: In purſuance of this Reſolution, the old Earl went into the Priory of *Whitern* in *Galloway*, where he paſſed the after Part of his Life in Acts of Devotion and Charity, till Death overtook him in leſs than a Year thereafter, in the beginning of the 1514 (*a*). His Heart, by his own Direction, was interred in the Pariſh Church of *Douglaſs*, and his Body in the Conventual Church of *Whitern*.

THIS Earl left Iſſue by *Elizabeth* his firſt Wife, Daughter of *Robert* Lord *Boyd*, Lord High Chamberlain of *Scotland*, *George* Maſter of *Angus*, and Sir *William Douglaſs* of *Glenbervy*, who were both ſlain at the Battle of *Flowden*; *Gavin* the third Son being bred to the Church, and taking Holy Orders, was firſt Rector of *Heriot*, and Provoſt of St. *Giles-Edinburgh*, and then Biſhop of *Dunkeld*, where he ſat, but not ſo peaceably as ſo great and good a Man ought to have done, till a little before his Death *Anno* 1522, *Marjory* his eldeſt Daughter was married to *Cuthbert* Earl of *Glentairn*, *Elizabeth* the ſecond to *Robert* Lord *Lyle*, and the third *Janet* to *Robert* Lord *Harries* of *Terregles*. Alſo by *Catharine* his ſecond Wife, Daughter to Sir *William Stirling* of *Kier*, he had a Son Sir *Archibald Douglaſs*, whoſe Son Sir *Archibald Douglaſs* of *Kilſpindy* was Lord High Treaſurer of *Scotland* in the Reign of King *James* V.

George Earl of *Huntly*.

THIS Noble Earl was the eldeſt Son of *Alexander* I. Earl of *Huntly*, by *Margaret* his third and laſt Wife Daughter of *William* Lord *Crithton*,

(*a*) *Hume's* Hiſtory of the *Douglaſſes*.

Lord High Chancellor of *Scotland* in the Reign of King *James* II. to whoſe Iſſue Male by this Lady, the Honour as well as the far greater Part of the Eſtate of the Family was ſpecially provided, and to which, upon the Demiſe of his Father in the 1470 he peaceably ſucceeded; altho' he had an elder Brother Sir *Alexander Seton* of *Touch*. Paſſing by the Particulars of the Earl's Education, which 'tis not to be doubted was very liberal and ſuitable to his illuſtrious Birth and Character: We muſt proceed to obſerve, That in the 1484, a Treaty of Peace being then adjuſted and concluded with the *Engliſh*, the Earl of *Huntly* was named one of the Guarantees thereof for the Part of *Scotland* (*a*), which is all that I have met with concerning him in Hiſtory, till the beginning of the 1488, That he and the Earl of *Crawfurd* were in open Parliament appointed joint Lords of Juſticiary Be-North the River of *Forth* (*b*), quickly after this, when Things came to extremity, and the War by the Confederate Lords actually begun againſt the King, the Earl of *Huntly*, like a good Man, was very inſtrumental in compromiſing Matters, and making up a Sort of Agreement at *Blackneſs*; but the King fatally reſiling from ſome of the Conceſſions he had formerly yielded to as a Foundation of Peace, thereupon the Earl left the King, and went over to the diſaffected Party (*c*). Indeed, ſome of our Authors, particularly *Ferrerius*, and ſuch as have followed him controvert this Account, and ſay, That when the War began, the Earl of *Huntly* raiſed an Army of his Vaſſals and Dependants for his Majeſties Defence, and was on his March Southward when the Field of *Stirling* was fought and the King ſlain; but this Account can ſcarcely be true, ſince it flatly contradicts an Act of Parliament, entituled, *The Propoſition of the Debate of the Field of* Stirling, wherein 'tis declared, *That the late King had broken certain Articles he himſelf had ſubſcribed and conſented to, by perverſe Counſel of diverſe Perſons being with him at the Time, and thereupon the Earl of* Huntly *and diverſe others left him, and adhered to our Soveraign Lord that now is.* That which will ſet this Matter in a clear Light, and put it out of all Doubt, is, the Act it ſelf, which I have faithfully tranſcribed from the Records of Parliament, and here follows.

"ITEM, In this preſent Parlia-
" ment our Soverane Lord beand
" preſent togidder with his thre Eſta-
" tis of the Realm, was proponit
" the Debait and Cauſe of the Feild
" of *Striviling* in the quhilk um-
" quhile *James* King of *Scotland*,
" quhome GOD aſſolzie, Father to our
" Soverane Lord happinit to be ſlane,
" and the Cauſe and Occaſion ther-
" of commonit, opponit, and arguit
" amang the Lords of the thre Eſta-
" tis, *John* Lord *Glammis* preſentit
" and ſchew certane Articles ſub-
" ſcrivit with the ſaid umquhile
" King *James* Hand, the Tenour of
" the quhilks followis, &c. the
" quhilk beand red and ſchawin, that
" the ſaidis Articlis was divers
" Tymes grantit to, and broken be
" perverſt Counſal of divers Per-
" ſounis, being with him for the
" Tyme; quhilks counſulit and aſ-
" ſiſtit to him in the Inbringing of
" *Engliſmen*, and to the perpetwal
" Subjection of the Realm, and under
" Diſſait and Colour maid and refuſit,
" and that our Soverane Lord that
" now is, ever conſentit for the Gude
" of the Realme, and the commoun
" Proffeit thairof, (for the quhilk
" the Erle of *Huntlie*, the Erle of
" *Erroll*, the Erle *Merchal*, the Lord
" *Glammis* and uthers divers Barro-
" nis, and uthers the Kingis trew
" Liegis left him and his diſſaitful
" and perverſt Counſal, and adherit
" to our Soverane Lord that now is,
" and his trew Opiniown for the
" commoun Gude of the Realme,
" the quhilk Mater beand ſchawin,
" exa-

(*a*) *Rymer.* (*b*) Records of Parliament. (*c*) *Ibidem.*

" examinat, commonit, and under-
" ſtanding be the thre Eſtatis and
" the hail Body of the Parliament,
" thay ryplie aviſit, declarit and
" concludit, and in thair Lawteis
" and Allegeance, ilk ane for him-
" ſelf declarit and concludit, that
" the Slauchter commitit and done
" in the Feild of *Striviling*, quhair
" our Soverane Lordis Father hap-
" pinit to be ſlane, and uthers divers
" his Barronis and Liegis uas allu-
" terlie in thair Default and colourit
" Diſſait done be him and his per-
" verſt Counſal divers Tymes before
" the ſaid Feild: And that our So-
" verane Lord that nou is, and the
" trew Lordis and Barronis that uas
" uith him in the ſamin Feild, war
" innocent fre and quyte of the ſaid
" Slauchters done in the ſaid Feild,
" and all perſuit of the Occaſſioun
" and Cauſe of the ſamin: And
" that Part of the thre Eſtatis foir-
" ſaidis Prelatis, Biſchoppis, greit
" Barronis, Burgeſſis, gaif thair
" ſeillis heirupon, togidder uith our
" Soverane Lordis greit Seil, to be
" ſchawin and producit to our haly
" Father the Pape, the Kingis of
" *Frante*, *Hiſpanzie*, *Denmark*, and
" uther Realmes, as ſall be ſeen ex-
" pedient for the Tyme.

IN this ſame Parliament, the Earl of *Huntly* was impowered to exerciſe Juſtice, and to ſuppreſs all Sorts of Diſorders in the *Northern* Parts till the King's Age of twenty one Years, and in the next enſuing Seſſion, he was named one of the Lords of his Majeſty's Privy Council; and yet to ſhew that the Parliament meant not to encroach upon the King's Prerogative of naming his own Council and Servants, when he ſhould be of Age, they expreſſed their Thankfulneſs, that he had humbled himſelf ſo far as to promiſe and grant, that he would ſuffer himſelf to be directed by their Counſels: But it was not long before the King was graciouſly pleaſed by his own Royal Authority to enlarge the Earl's Commiſſion, and to make him Lieutenant of the North, *infra Bondas*, as the Commiſſion runs, *Borealium Partium Regni ab Aqua de* Northesk *Borealiter extendentem* (*a*), and continuing in the higheſt Favour with the King his Maſter, he was at Length conſtituted Lord High Chancellor of *Scotland*, *Anno* 1498 (*b*), upon the Removal of the Earl of *Angus*; and he held the Office till the 1502, he reſigned the Great Seal, which was immediately, with the Title of Lord Chancellor, conferred upon the King's Brother the Duke of *Roſs*. But he did not loſe the King's Favour with his Office; for after this, in Commemoration of his good Services before that Time performed, he had a Grant of the Caſtle & *Locum Caſtri de* Innerlochy, by a Charter under the Great Seal, ſtill to be ſeen in the publick Archives in 1505. This noble Earl giving Way to Fate on the 8th of *June* 1507, was interred in the Chancel of the Abbay-Church of *Cambuskenneth*.

THIS Earl married twice, his firſt Wife was, the Lady *Anabella*, Daughter of *James* I. King of *Scotland*, and his ſecond *Agnes*, Daughter of *William* Earl of *Errol*, and left Iſſue *Alexander* his Succeſſor, Sir *Adam Gordon* of *Aboyne*, who marrying *Elizabeth*, Counteſs and Heireſs of *Sutherland*, by the Courteſy of *Scotland* came to enjoy that Honour, Sir *William Gordon* firſt of that Branch of the *Gordons* of *Gight*, who was ſlain fighting gallantly in the Service of his Country at the Battle of *Flowden*, Sir *James Gordon* of *Leterfury* the Earl's fourth Son was Admiral of *Scotland*, in the Reign of King *James* IV. *Katharine* his eldeſt Daughter a Lady much celebrated for her Vertue and Beauty, was unfortunately married to *Perkin Warbeck* the pretended Duke of *York*, *Janet* to *Alexander* Lord *Lindſay*, Son and Heir apparent of *David* Earl of *Crawfurd*, and again to the Lord *Gray*, *Mary* to Sir *William Sinclair* of *Weſterhall*

(*a*) *Charta in pub. Archivis, ad Annum* 1491. (*b*) *Ibidem.*

Knight, and *Sophia* to Sir *Gilbert Hay* of *Kilmalloch* Knight.

James Duke of *Roſs* and Arch-Biſhop of St. *Andrews*.

THIS Illuſtrious Prince and Prelate, was the ſecond Son of King *James* III. of *Scotland*, by his Royal Conſort *Margaret* Daughter of *Chriſtian* the III. King of *Denmark*, he was born in the 1476, and at his Baptiſm was created Marqueſs of *Ormond*. The Reaſon I humbly conceive, why he was chriſtened *James*, ſeems to be, the Name of *James* was thought auſpicious to the Nation, and the King himſelf reſolved to have a Son of his own Name to ſucceed him in the Throne, in the Event of his elder Brother the Princes's Death, who in his Infancy was a Child but of a weak and ſickly Conſtitution.

THE firſt Deed or Grant I find the King gave to this young Prince his Son *Jacobo filio noſtro ſecundo, genito Marchione de* Ormond, as he is deſigned, is *de omnibus & ſingulis terris Comitatus* Roſſiæ, of the whole Earldom of *Roſs* on the 23 of *January* 1480 (*a*), while he was but in the fifth Year of his Age. As ſoon as the young Lord Marqueſs was got from under the Tuition of his Governeſs, the King his Father took ſpecial Care to give him an Education ſuitable to his Royal Birth, and provided an excellent Tutor for him, the Abbot of *Paiſly* Mr. *Shaw* (*b*), who inſtructed him in Chriſtian Piety, and in the Studies fit for a young Prince, in that Seaſon of his Age, tho' it does not appear, that the King at this Time had any Proſpect of breeding him to the Church, for in the 1486, when for the better cementing of a Peace, which was then agreed to with the *Engliſh*, a Marriage was propoſed to be conferred upon, betwixt the Marqueſs of *Ormond*, the ſecond Son of King *James* of *Scotland*, and the Lady *Katharine*, the third Daughter of *Edward* IV. late King of *England* (*c*). His Father ſeems to have had a very particular Fondneſs for the Marqueſs his Son; for that he might be the more independent, as I take it of his Brother the Prince, when he ſhould come to the Throne, and be the better able to ſupport the Grandeur of his Royal Birth, he made him a Grant under the Great Seal, *Terrarum & Dominiorum de* Brichen & Nevar, & *totas & integras Terras Dominii de* Ardmanach *nuncupat.* Auach & Netherdale, *cum Monte de* Ormond, *ac Caſtrum & Fortalicium de* Redcaſtle *jacen. infra vicecomitatum noſtrum de* Inverneſs (*d*). And that he might be behind no Subject in Titles of Honour, the King was pleaſed in Parliament, on the 29th of *January* 1488 (*e*), to raiſe him to the higheſt Honour and Dignity a Subject was capable of, and created him Duke of *Roſs* in this Manner.

Eodem Die, Dominus Rex creavit Filium ſuum Jacobum *ſecundo genitum, Ducem* Roſſiæ, *Marchionem de* Ormond, *Comitem de* Edradale *aliter nuncupat.* Ardmanach, *Dominum de* Brichen & Nevar *&c. Conceſſit ſibi Terras Dominiorum prædictorum cum Pertinentiis, ſecundum Tenorem Cartarum & Evidentiarum ſibi deſuper prius confectarum & nunc etiam confectendarum,*

UPON the Death of the King his Father, the Duke, being but a little turned of Twelve, had the Lord *Halis* by a ſpecial Ordinance of Parliament appointed his Governour, the Act bears, " That it is concluded and orderd by Adviſe and Deliverance of the thre Eſtatis, that *Patrick* Lord *Halis*, Maſter of the Houſold to our Soverane Lord, haue the Rule and Governance of my Lord *James* Duke of *Roſs*, the King's Brother (*f*). What it was that

(*a*) *Charta in pub. Archivis.* (*b*) Charter of Erection of the Town of *Paiſly* into a Burgh of Barony, in Favours of Abbot *Shaw*, wherein his Service in the Education of the Duke of *Roſs* the King's Brother is very gratefully acknowledged. (*c*) *Rymer.* (*d*) *Charta in pub. Archivis.* (*e*) *Ibidem.* (*f*) *Ibidem.*

that induced this illuſtrious Prince to turn his Thoughts toward the Church afterwards; eſpecially, that the Royal Family was ſo weak, I cannot tell; doubtleſs from very ſtrong Motives of Religion and Conſcience, ſince he was to renounce the Pleaſures and alluring Vanities of the World, and that in the very Bloſſom of his Youth, the Seaſon of Age, that Mankind are moſt prone and bent upon the gratifying of their Paſſions: But renounce it he did, we are ſure, and betaking himſelf to a cloſe Courſe of Study, that he might render himſelf no leſs illuſtrious for his Learning than he was for the Splendour of his Royal Blood, he took Holy Orders, and was quickly thereafter provided to the Archiepiſcopal See of St. *Andrews*, then void by the Death of Arch-Biſhop *Schevez Anno* 1498, the Pope, the more to gratifie the King his Brother, diſpenſing with his Age, which was ſeveral Years below the Time the Canons allow any Perſon to be in the higheſt Orders of the Church, for at moſt, the Arch-Biſhop was but juſt entered into his twentie ſecond Year: But it being requiſite, it ſeems, that the Arch-Biſhop ſhould be perſonally preſent at the Court of *Rome*, to compleat ſomewhat of his Inveſtiture in the Primacy, that was ſtill wanting, for that End, he undertook a Journey thither during the Popedom of *Julius* the II. and his Grace judging it was the moſt expeditious Way for him to go by the Way of *England*, he applied to King *Henry* the VII. for leave to paſs through his Dominions, a Favour that Prince very readily gratified the Arch-Biſhop with, and withal, did it in ſo obliging a Manner, That I believe the Reader will foregive me, that I inſert a Part of the Paſſport here, ſince it gives us a Character of our Royal Prelate, from ſo good a Judge of Men as this *Engliſh* Monarch was. *Conſiderantes* (ſays King *Henry*) *Dignitatem Conſanguinei noſtri, Archiepiſcopi Sancti* Andreæ, *qua præeſt, vitæ ſinceritatem, atque morum honeſtatem, quibus floret, cæteraſque plurimas virtutes quibus cæteris præeſt; nec non, propinquitatem ſanguinis, Gradum quo nobis attingit*, &c.

(a) *Epiſtole* Jacobi *VI. Regis* Scotiæ.

Upon the Arch-Biſhop's Return from *Rome*, the King his Brother, who had always expreſſed the greateſt Eſteem and Regard imaginable for him, that he might be as conſpicuous in the State as he was in the Church, was pleaſed to make him Lord High Chancellor of the Kingdom *Anno* 1502, upon the Removal of the Earl of *Huntly* from the Office; and that he might the better ſupport and maintain the great Dignities he held both in the Church and in the State, he had the rich Abbacy of *Dumfermling* beſtowed upon him in *Commendam*, whereupon I find him deſigned *Jacobus, Sancti* Andreæ *Archiepiſcopus, Dux* Roſſiæ, *Marchio de* Ormond, *Comes de* Ardmanach, *Dominus de* Brichen & Never, *Commendatarius perpetuus Monaſterii de* Dumfermling, *ac Regni* Scotiæ *Cancellarius*; but before the Arch-Biſhop had held the Chancellor's Place full two Years, he departed this Life in 1504, aged twenty eight, and was interred in the Chancel of the Cathedral Church at St. *Andrews*, among the Biſhops his Predeceſſors in that See.

Alexander Arch-Biſhop of St. *Andrews*.

Arch-Biſhop *Stewart* was the natural Son of *James* IV. King of *Scotland*, by *Margaret* Daughter of *Archibald Boyd* of *Bonſhaw*. He was born in the Year 1495, and being a Child of great Hopes, all imaginable Care was taken of his Education; for the King his Father intending to breed him to the Church, provided an excellent Tutor for him, the learned and polite Dr. *Pantar* the Secretary (*a*), who was a Perſon throughly well qualified in all Reſpects, for ſo great a Truſt.

THIS young Gentleman having gone thro' a Courſe of Grammar-learning at Home, to all imaginable Advantage, it was thought neceſſary, for the further Improvement of his Education, to ſend him Abroad into foreign Parts, to follow his Studies, which he did, his Majeſty having pitched upon Sir *Thomas Halkerton* to have the Inſpection of his Education, and who accordingly accompanied him in his Travels as his Præceptor (*a*) and Governour. Mr. *Stewart* having made the Tour of *France*, he went to *Italy*, and ſettled at *Padua*, where he purſued his Studies with uncommon Application, under the Direction of the moſt famous Maſters, particularly that great Reſtorer of Learning *Eraſmus*, whom we find, among others of the *Literati*, exceedingly condoling the Arch-Biſhop's immature Death.

THE King deſigning his Son to the higheſt Dignity of the Church within his Dominions, the Pope *Julius* II. indulged his Majeſty in the Matter, and provided him to the Arch-Biſhoprick of St. *Andrews* in 1509 (*b*), which had been kept vacant for him, from the Death of the former Primate his Uncle. The Prior and the Arch-Deacon of St. *Andrews* being impowered to collate to all ſuch vacant Benefices as were of the Arch-Biſhop's Patronage, and which ſhould happen in the mean Time to fall void.

AFTER the young Arch-Biſhop had by his Study and Travelling rendred himſelf capable of ſerving the Church and his Country, he returned Home in 1510 (*c*), and was received with great Love by the King, Queen, the Court and the Nobility, for his rare Learning, and natural Sweetneſs of Temper, Qualities he was endued with to a very eminent Degree; and the King who loved him moſt paſſionately, being deſirous that he ſhould appear with as great Luſtre in the State, as he was to do in the Church, was pleaſed to make him Lord Chancellor in 1511 (*d*); and that the Pope might contribute all he could to aggrandize the young Arch-Biſhop, he made him his Legate *a Latere* in *Scotland*, and gave him the rich Abbacy of *Dumfermling* and the Priory of *Coldinghame* in *Commendam*: All theſe Dignities this moſt hopeful, Royal Youth held for the Space of three Years, till he loſt his Life with the King his Father, at the Battle of *Flowden-Field*, the 9th of *September* 1513, and above 1000 of the nobleſt and worthieſt Perſons of the Kingdom, when he had not fully compleated the twenty firſt Year of his Age. The Arch-Biſhop's Death was, next to the King's, moſt lamented of all the ſlain, a Youth whoſe inexpreſſible Worth, even the Pen of *Eraſmus* could not ſufficiently extol, and that learned Author, ſometime the Arch-Biſhop's Præceptor, in condoling his Death, ſeems to have outdone himſelf in the admirable Character which he has left us of him (*e*), which I ſhall here tranſcribe, *Cæſus eſt*, (ſays he) *una cum fortiſſimo patre, filius, eo patre digniſſimus*, Alexander, *Archiepiſcopus titulo D.* Andreæ, *juvenis quidem viginti ferme natus annos: in quo nullam conſummati viri laudem deſiderares: mira formæ gratia, mira dignitas, heroica proceritas, ingenium placidiſſimum quidem illud, ſed tamen ad cognitionem omnium diſciplinarum acerrimum. Nam mihi fuit cum eo quondam in urbe* Senenſi *domeſtica conſuetudo: quo tempore a nobis Rhetorum præceptis Græcaniciſque literis exercebatur. Deum immortalem! quam velox, quam felix, quam ad quidvis ſequax ingenium, quam multa ſimul complecti poterat! Eodem tempore diſcebat Juriſconſultorum literas; nec eas admodum gratas, ob admixtam barbariem, & odioſam interpretum verboſitatem. Audiebat dicendi præcepta, & præſcripto themate declamabat, pariter & calamum exercens & linguam. Diſcebat Græce, & quotidie quod traditum fuerat*

(*a*) *Epiſtolæ* Jacobi IV. *Regis* Scotiæ. (*b*) *Ibidem.* (*c*) Biſhop *Leſly's* Hiſtory of *Scotland.* (*d*) *Charta in publicis Archivis.* (*e*) *Eraſmus in Adag.*

fuerat ſtato reddebat tempore. Horis pomeridianis Muſicis operam dabat, monochordiis, tibiis, teſtudini. Modulabatur & voce nonnunquam. Ne ipſum quidem convivii tempus ſtuaiorum vacabat fructu. Sacrificus perpetuo ſalutarem aliquem librum recitabat, puta Pontificum decreta, aut Divum Hieronymum, aut Ambroſium, nec unquam recitantis vox interrumpebatur, niſi ſiquid alteruter Doctorum, inter quos medius accumbebat, admonuiſſet, aut ipſe parum aſſequens quod legebatur, ſciſcitatus eſſet aliquid. Rurſum a convivio fabulæ, ſed breves, & hæ quoque literis conditæ. Proinde nulla omnino vitæ pars vacabat ſtudio, niſi quæ rei Divinæ ſomnoque daretur. Nam etiam, ſi quid ſuperfuiſſet temporis, quod tam variis ſtudiorum vicibus non ſuppetebat: tamen ſi quid forte ſupererat, id Hiſtoricorum lectioni dabat. Nam hac cognitione præcipue capiebatur. His itaque rebus factum eſt, ut adoleſcentulus vixdum decimum octavum egreſſus annum tantum in omni literarum genere conſecutus fuerit, quantum in quovis viro jure mireris. Nec illud in hoc uſu venit, quod fere ſolet in aliis, ut ad literas felix, ad bonos mores minus eſſet appoſitus. Verecundi mores erant, ſic tamen ut miram agnoſceres prudentiam, Animus ſublimis, & a ſordidis iſtis affectibus procul ſemotus; ſed ita ut nihil adeſſet ferocitatis, nihil faſtidii. Nihil non ſentiebat, permulta diſſimulabat, nec unquam ad iracundiam poterat incitari. Tanta erat naturæ lenitas animique moderatio. Salibus impendio delectabatur, ſed eruditis ac minime dentatis, hoc eſt, non nigro Momi, ſed candido Mercurii ſale tinctis. Si quid turbæ domi natum fuiſſet inter famulos, mirum quanta dexteritate, quantoque candore ſolitus ſit componere. Denique religionis erat & pietatis plurimum, ſuperſtitionis nihil. In ſumma, nemo fuit dignior qui ex Rege, & ex illo Rege naſceretur.

James Arch-Biſhop of St. *Andrews*.

THE Family of *Bethune* of *Balfour* in the Shire of *Fife*, of which this Prelate was a Son, tho' originally of *French* Extraction, yet is of great Antiquity in the County foreſaid: For *Robert de Bethune* is one of the Barons who gave an Oath of Fealty to King *Edward* I. of *England Anno* 1296 (*a*), another Sir *John* de *Bethune* had a Grant from King *Robert* the II. of the Lands and Barony of *Balfour*, which they ſay he obtained by the Marriage of an Heir Female of the ſame Sirname: And for that Reaſon, this ancient Family carry the Coat of *Balfour* quartered with their own paternal Arms.

ARCH-BISHOP *Bethune* was the ſecond Son of *John Bethune* of *Balfour* by *Mary* his Wife, Daughter of Sir *David Boſwall* of *Balmuto*, who being a younger Brother, was from his Youth deſtined by his Parents to the Service of the Church, and taking Holy Orders, was quickly thereafter preferred to the Provoſtry of *Bothwel*, of the Earl of *Angus*'s Patronage, as early as the 1503 (*b*); and the next enſuing Year, he was choſen Lord Abbot of *Dumfermling* upon the Demiſe of Arch-Biſhop *Stewart* of St. *Andrews*, who had held that Great Benefice in *Commendam*, The Abbot being a Man of Parts and Sagacity in Buſineſs, was, by the ſpecial Favour of King *James* IV. conſtituted Lord High-Treaſurer of *Scotland Anno* 1505, the Office being then void, and in his Majeſties Hands, by the Death of Sir *David Beaton* of *Crich* (*c*), the Abbot's own Brother.

IN the 1508, the Lord Treaſurer was preferred to the Epiſcopal See of *Galloway*, upon the Death of Biſhop *Vauſs*; but before he had ſat one whole Year in that See, he was tranſlated to the Arch-Biſhoprick of *Glaſgow*, then void by the Death of Arch-Biſhop *Blackader* (*d*), at which Time he quit the Treaſurers Place; whereupon the white Staff was immediately put into the Hands of Biſhop *Hepburn* of the *Iſles*. While Arch-Biſhop *Beaton* was in this See, he incloſed his Epiſcopal Palace in the City of *Glaſgow* with a Noble

(*a*) Rymer's *Fœdera*. (*b*) *Ibid*. (*c*) *Charta in Rotulis* Jacobi IV. (*d*) *Reliquiæ Sancti* Kentigerni.

and magnificent Stone Wall of Aiſler-Work toward the Eaſt, South and Weſt, with a Baſtion, on the one Corner, and a Tower on the other fronting to the High Street, whereupon are fixed in different Places his Coat of Arms, *viz.* quarterly, firſt and fourth, as the Heraulds Blazon it, *a Feſs, betwixt three Lozenges, two in Chief, and one in Baſe. Second and third, a Cheveron charged with an Ottars Head Coupeè*, ſurmounted of a Salmon Fiſh, The Arms of the See, and his Archiepiſcopal Croſs inſtead of a Mitre and Croſier, and the Word *Miſericordia* for his Motto; but this was not all his Benefactions to the See while he ſat here; for he augmented the Altarages in the Choir of the Cathedral, over which, he cauſed affix his Arms blazoned in their proper Tinctures, where they are ſtill to be viewed by the Curious. He laid out alſo a good deal of Money in building and repairing of Bridges that were gone to decay at different Places within the Regality, and about the City of *Glaſgow* whereupon are his Arms engraven, which will remain as perpetual Monuments of his Charity.

In the 1515, Arch-Biſhop *Beaton* was, by the Regent the Duke of *Albany*, promoted to the Chancellors Place, which was till then void by the Death of Arch-Biſhop *Stewart*, and ſoon thereafter had the *Commendam* of the Abbacies of *Kilwinning* and *Arbroath* conferred upon him. He continued always in the higheſt Favour with the Duke Regent, and was by his Grace, when he went over to *France* in 1517, named one of the Lords of the Regency *(a)*, who were to manage the Affairs of the Kingdom during his abſence, and to prevent Diſcords among themſelves, as uſually happens among Men of equal Power, he aſſigned to each of them their particular Provinces: Notwithſtanding this Care, ſeveral Diſorders being commited, it was thought convenient by the other Governours to devolve their Power upon the Earl of *Arran*, who ſhortly after ſummoned a Convention of Eſtates to meet at *Edinburgh* on the 29th of *April* 1520, on which Day, the Earl of *Arran*, with the Chief of the Nobility of the Weſt aſſembled together in Arch-Biſhop *Bethune*'s Houſe in the Foot of *Blackfrier-wynd*, where before the ſitting down of the Convention, they reſolved to apprehend the Earl of *Angus*, alledging that his Power was ſo great, that ſo long as he was free, they could not have a free Parliament. How ſoon the Earl was informed of their Deſign, he ſent his Uncle the ever Memorable Biſhop *Douglas* of *Dunkeld* to the Arch-Biſhop of *Glaſgow* the Chancellor, offering, that if he had fail'd in any Point of his Duty to the reſt of the Lords, he would moſt willingly ſubmit himſelf to the Cenſure of the Convention which was juſt then to meet; and the Biſhop himſelf earneſtly beſought the Chancellor, that he would uſe his beſt Endeavours with his Friends to compromiſe Matters, and prevent as much as was poſſible the ſhedding of Blood, which in a Conteſt of that Kind would be inevitable. The Arch-Biſhop, tho' he was as deep in the Deſign as any of the Party, and had put on Armour to aſſiſt them in Perſon, or at leaſt to animate others by his Example, made the beſt Apology for himſelf he could, and laid the Blame wholy upon the Earl of *Arran*, who he pretended was diſobliged with the Earl of *Angus* upon many Accounts, and after he had reckoned up the Chief of them, he in End concluded, *There is no Remedy, upon my Conſcience I cannot help it.* And in the heat of his Aſſeveration, he beat on his Breaſt with his Hand, which made the Iron Plates of the Coat of Mail under his Caſſock return a rattling ſound. Which Biſhop *Douglas* perceiving, he gave his Brother the Arch-Biſhop this ſevere Reprimand. *How now, My Lord,* (ſays he) *me thinks your Conſcience clatters: We are Prieſts, and*

to

(*a*) Mr. *Buchanan.*

to put on Armour, or to bear Arms, is not conſiſtent with our Character: But the good Biſhop *Douglas* perceiving, he was able to do little good with the Arch-Biſhop, who ought, upon this Occaſion, to have been a promoter of Peace; but inſtead of that, as Mr. *Buchanan* aſſures us, *He flew armed up and down like a Fire-Brand of Sedition*, left him, and thereupon enſued a hot Skirmiſh, in which the Earl of *Angus*'s Party had the better. The Martial Arch-Biſhop ſeeing the Day loſt and his Friends defeat, fled for Sanctuary to the *Blackfriers-Church*, and was there taken out from behind the Altar, and his Rocket torn off him, and would certainly have been ſlain, if Biſhop *Douglas* from a tender Regard he had for his Character had not interceeded for him and ſaved his Life; for which he made him afterward a very ungrateful Requital: For having an Eye to the Arch-Biſhoprick of St. *Andrews* upon the Death of Arch-Biſhop *Foreman*, he was afraid of no Competitor ſo much as of Biſhop *Douglas*: And therefore to be rid of him, writes a Letter to the King of *Denmark* (*a*), wherein he repreſents him as a Perſon diſaffected to the Government, and going about to infringe the Privileges granted to the *Scots* Nation by the Holy See, endeavouring to be preferred to the Arch-Biſhoprick by the Intereſt of the Emperor and the King of *England*, then publick Enemies to *Scotland*: And therefore, he intreats that King, that he would write to his Miniſters at *Rome* to inform his Holineſs, that the Biſhop was under a Sentence of Baniſhment becauſe of his Demerits, and thereby put a ſtop to his ambitious Deſigns: Whether Biſhop *Douglas*, or Arch-Biſhop *Bethune* were the moſt ambitious of the two I ſhall not determine; but in a few Months after this, the Arch-Biſhop was preferred to the See of St. *Andrews*. 'Tis not unlikely, that it was upon the Account of the Arch-Biſhop's Severity to good Biſhop *Douglas*, that when the Earl of *Angus* came to obtain the Chief-Sway at Court in 1525, upon the Duke of *Albany*'s being deprived of the Regency, that he was ſo violent in his Reſentments againſt the Arch-Biſhop, for he not only turn'd him out of the Chancellor's Place, drove him from the Court, but obliged him, moſtly, during the Time of his Miniſtry, to keep out of the Way, and ly concealed among his Friends, that he might not fall into his Hands: But when the Earl of *Angus* loſt the King's Favour, the Arch-Biſhop was reſtored to the full and free Exerciſe of his Epiſcopal Function; but had not the Intereſt to be reſtored to the Chancellor's Place, which upon the Deprivation of the Earl of *Angus*, was conferred on Arch-Biſhop *Dunbar* of *Glaſgow*, the King's Præceptor.

After this, Arch-Biſhop *Bethune* retired to his Dioceſs, and ſet about the founding the New Divinity College at St. *Andrews* which he did not live to compleat, for being now grown aged and valitudinary, he devolved upon the Matter the whole Adminiſtration of his Function upon his Nephew the Abbot of *Arbroath*, who was, by this Time, named Coajutor, and future Succeſſor to him in the Arch-Biſhoprick. At length, after he had ſat ſeventeen Years in this See, he departed this Life in the Year 1539, and was interred in the Cathedral Church of St. *Andrews* before the High Altar. There is one Thing, that lies very heavy upon the Memory of Arch-Biſhop *Bethune*, and which a Right Reverend Hiſtorian of his own Order ſays, *Was a great Misfortune to him* (*b*), *That under the Shadow of his Authority, many good Men were put to Death for the Cauſe of Religion*, Particularly, That Excellent Pious young Gentleman Mr. *Hamilton*, the Titular Abbot of *Ferne*, *Tho'*, continues my former learned Author, *Arch-Biſhop* Beaton *was neither violently ſet, nor much*

(*a*) Arch-Biſhop *Spotiſwood*. (*b*) *Ibidem*.

much ſolicitous as was thought, how Matters went in the Church.

Archibald Earl of *Angus*.

THIS illuſtrious Perſon, was the Son and Heir of *George* Maſter of *Angus*, who as I have obſerved, was ſlain in the Battle of *Flowden*, by *Elizabeth* his Wife, Daughter of *John* I. Lord *Drummond*. He was born in the 1490, or thereby, and was by the Care of his Father early inſtructed in the Liberal Arts and Sciences, under the Direction, as we have Ground to believe, of his Uncle, the ever memorable Biſhop *Douglaſs* of *Dunkeld*, who was as well qualified to inſpire this young Lord with juſt Sentiments of true Honour and Greatneſs, as any Man of the Age he lived in. In leſs than a Year after the Death of his Father, he came to be the Head of his illuſtrious Family, on the Demiſe of the old Earl his Grandfather, and being now in the Prime of his Youth, the Nobility of his Birth, and the Gracefulneſs of his Perſon, drew the Queen Dowager's Eyes toward him with Affection; inſomuch, as ſhe was pleaſed to make him the Partner of her Royal Bed, and to marry him on the 4th of *Auguſt* 1514, ſome Days ſhort of eleven Months, after the Death of the King her Husband, King *Henry* the VIII. of *England*, we are told very much approving of the Queen his Siſter's Choice.

THE Queen having loſt the Regency by her Marriage, the Tuition of the young King and the Government of the Kingdom devolved on the Duke of *Albany*, as the neareſt Relation of the Crown, which the Queen and the Earl her Husband had oppoſed all they could; but before the Duke was well ſettled in the Government, they and diverſe other Lords entred into a Combination, to carry away the young King, and his Brother the Prince *Alexander* into *England*, and to put them under the Protection of King *Henry* their Uncle: However, the Project was not kept ſo ſecret, but that the Duke Regent came to diſcover the Deſign, juſt before it was to have been execute, and the Queen and the Earl fearing what might be the Conſequences of the Diſcovery, fled into *England*, where they remained for ſome Time.

THE Regent ſeemed to be very much ſurprized at the Departure of the Queen and the Earl; but diſſembling the Matter the beſt he could, ſent a Meſſage to King *Henry*, aſſuring him, that he had done Nothing that could give the Queen or her Husband any juſt Cauſe or Jealouſy of him, nor had he any Deſign to give them the leaſt Vexation or Trouble for what was paſt, or why they might not with Safety return Home at their Pleaſure; upon theſe Aſſurances the Earl himſelf returned: But the Queen his Wife being near the Time of her Delivery, and in theſe Circumſtances unfit to travel, ſtayed at *Harbottle* in *Northumberland*, where ſhe brought forth a Daughter, the Lady *Margaret Douglaſs*, thereafter Counteſs of *Lennox*.

AFTER this the Regent, at leaſt in outward Appearance kept fair with the Earl of *Angus*, for in 1517, being as he pretended, neceſſarily obliged to go over to *France*, to renew the ancient League betwixt the two Nations, he deputed the Earl of *Angus*, together with the Earls of *Arran*, *Argyle* and *Huntly*, and the two Arch-Biſhops of St. *Andrews* and *Glaſgow*, as Lords of the Regency, to manage the Affairs of the Kingdom, during his Abſence: And to prevent as much as poſſible all Diſcord among themſelves, as uſually happens among Men of equal Power, he aſſigned to each of them their particular Provinces. Notwithſtanding this Care, ſeveral Diſorders were committed, of which even ſome of the Regents themſelves were not thought altogether innocent; and particularly, the Earl of *Angus* was ſuſpected to have connived at the Murder of Sir *Anthony Darcy* the Governour of *Dunbar* Caſtle: Whereupon

upon it was thought convenient for the Publick Safety by the other Governours, to devolve their Power upon the Earl of *Arran*, who ſhortly thereafter ſummoned a Convention of the Eſtates to meet at *Edinburgh*, on the 29th of *April* 1520, on which Day the Earl of *Arran*, and the Chief of the Nobility of the Weſt, aſſembled at the Arch-Biſhop of *Glaſgow*'s Houſe, in the Foot of *Blackfrier* Wynd, reſolving to apprehend the Earl of *Angus*, alledging his Power was ſo great, that ſo long as he was free and at Liberty, they could not have a free Parliament. How ſoon the Earl was informed of their Deſign, he ſent to them his Uncle, the Biſhop of *Dunkeld*, deſiring, that if they had any Grievance or Ground of Complaint againſt him, they might lay it before the Convention, to whoſe Cenſure he would ſubmit himſelf, and give them all Satisfaction, only he deſired Leave to viſit the Queen his Wife, who then lodged in the Caſtle, and promiſed after that, to leave the Town peaceably: But his Propoſal of Peace being ſlighted and neglected, he reſolved to do the beſt he could, in his own Defence: And therefore, having put the few reſolute Men he had with him in the beſt Order he could deviſe, he prepared for the worſt. Indeed the Citizens of *Edinburgh* very much favoured the Earl, partly upon the Queen's Account, and partly on his own, and furniſhed him very ſeaſonably both with Arms and Ammunition; at length the Parties coming to engage, a bloody Skirmiſh enſued on the very high Street, in which the Earl of *Arran*'s Party were worſted, and many of their Friends ſlain, and among thoſe ſeveral Perſons of Quality loſt their Lives, as the Maſter of *Eglington*, and Sir *Patrick Hamilton* of *Kincavill*, the Earl of *Arran*'s natural Brother.

But that which put a Stop to Diſorders of this Kind, which were daily increaſing, was the coming over of the Regent from *France*, in the Month of *November*, of the Year 1521, who after his Arrival at *Edinburgh*, applied himſelf to compoſe and ſettle the Confuſions and Diſorders of the Kingdom, and for this End he called a Parliament, to which many of the Nobility and Gentry were cited, and among others the Earl of *Angus* to appear, that they might be tried for Offences committed by them, during the Governour's Abſence: The Earl well knowing the old Jealouſy the Regent retained againſt him, and whom he look'd upon as his Rival for the Government, that he might avoid the Storm that threatned him, thought fit to withdraw, and thereupon retired to *France*, where he moſtly remained for about three Years, till the Duke of *Albany* was diſpoſſeſſed of the Regency, that he returned Home, by the Way of *England*, *where he was*, ſays a great and learned Hiſtorian (*a*), *entertained courteouſly, and diſmiſſed honourably* by his Brother-in-Law King *Henry*: But how well ſoever he was received at the Court of *England*, he was but coldly enough welcomed Home by the Queen his Wife, who ſeems to have been a little of her Brother King *Henry*'s Temper, ſomewhat addicted to Variety and Changing of Husbands, as he was of Wives, for ſhe would neither cohabite with him, nor ſo much as ſuffer him to pay her a Viſit. The Pretence for this Averſion was, that the Earl could not be her lawful Husband, in Regard he had been contracted to another Lady, one Mrs. *Stewart*, a Daughter of *Traquair*'s, who bore him the Lady *Ruthven*, before his Marriage with her, and the Pre-Contract being proved againſt him, a judicial Sentence of Divorce was pronounced in the Conſiſtorial Court of St. *Andrews*, diſſolving the Marriage, and declaring it to have been null and void from the Beginning, tho' by an expreſs Clauſe in the Divorce, the Legitimacy of the Daughter was reſerved, ſince born under a Marriage

(*a*) Mr. *Buchanan*.

de facto, and contracted *bona fide* upon the Queen's Part. How ſoon the Divorce was confirmed by a Bull from *Rome*, the Queen Dowager married *Henry Stewart*, not *Francis*, as the learned Biſhop *Burnet* calls him (*a*), Brother to the Lord *Evandale*, to whom King *James* V. gave in conjunct-Fie with the Queen his Mother, & *Henrico Stewart ſuo conjugi, fratrem Germanum* Andreæ, *Domini* Evandale, as he is deſigned, *totas Terras noſtras & Dominia noſtra de* Methven & Buchquhider, then erected, united and incorporated *in Liberum Dominium & Barroniam, omni Tempore futuro Dominium & Barroniam de* Methven *nuncupandum &c. apud* Edinburgum, *decimo ſeptimo Die Menſis* Julii 1528 (*b*).

But that there ever was a Son of the Marriage, a *Henry Stewart* whom King *James* V. ſhould call *Frater noſter uterinus*, as Biſhop *Burnet* ſays, is a mere Fiction; for the *Henry* Lord *Methven* the Son, was not born of the Queen, but of a ſecond Marriage, with a Lady of the Family of *Athole*, as was alſo his Siſter the Lady *Gowry*, and this appears clear to a Demonſtration, from a Charter ſtill extant, under the Great Seal of *Scotland*, in the Publick Archives, *Henrico Domino* Methven, & *Dominæ* Janetæ Stewart, *Dominæ* Sutherland *ſuæ Conjugi, & eorum alteri diutius viventi pro omnibus ipſorum Vitæ Diebus &* Henrico Stewart, *ipſorum filio poſt Deceſſum eorum, Hæredibus ſuis, & aſſignatis, totas & integras Terras Dominii de* Methven (*c*), *&c.* and which accordingly the Son by this Lady lived long to enjoy. 'Tis as falſe again and imaginary in the Biſhop to ſay as he does, that the Earl of *Gowry*, in Right of his Mother the Lord *Methven*'s Daughter, was next to King *James* VI. in his Claim to the Crown of *England*, as deſcended of this laſt Venter of Queen *Margaret*, ſince 'tis plain beyond the Poſſibility of any Objection to the contrary, that the Queen-Dowager had never any Iſſue of her third Marriage, ſo far as I could ever ſee, and as I was as exact in the Scrutiny as I could be: For, tho' I obſerve, that the Queen and her Husband acquired a great Number of Lands, yet there is never the leaſt Mention of any Children betwixt them, which could ſcarce have been omitted, had they ever exiſted, ſince in Juſtice and Reaſon they would have been provided to the Fee of the Eſtate their Parents had purchaſed. Indeed I have more Charity for the Biſhop, than to believe, that by telling the Story of the Earl of *Gowry*'s Claim to the Crown, he intended to imbarraſs the Succeſſion, or to reflect in that Point, upon the Memory of King *James*; no, do him Juſtice: Till of late, the Thing as he has it, was generally believed to be ſo, and, upon the common Report, in the Memory of many yet living, a Perſon of mean Character and Condition, upon the Suppoſition of his Royal Deſcent that Way, of a Daughter of the Lord *Methven*'s, was enquired after, and I think provided for by ſome, who had the neareſt Relation to the King's Service; ſo that, to do the Biſhop Juſtice, he was not ſingle in the Belief of this Point, for while he lived in *Scotland*, every Body believed the Thing then, and it has been but diſproved of late; only ſo learned an Hiſtorian as the Biſhop, one would have thought, would not have ventured to publiſh a Matter of ſuch Importance upon common Report, and without examining the Matter more thoroughly. But to return to the Earl of *Angus* after this Digreſſion, which I thought neceſſary to clear this Matter, of which very ill Uſe has been made of late. We are to obſerve,

That notwithſtanding of all the Averſion and the Animoſity the Queen ſhow'd to the Earl, yet all her Power was not able to keep him out of the Adminiſtration; for immediately upon his Return from *France*, when the Duke of *Albany* was diſpoſſeſs'd of the Government, he was, together with the two Arch-Biſhops, the Biſhops of *Aberdeen* and *Dun-*

(*a*) In the Hiſtory of his own Times. (*b*) Charter of Erection of the Lordſhip of *Methven* in the Records. (*c*) *Ibidem. Datum apud* Edinburgum *decimo Die* Octobris 1551.

Dunblain, the Earls of *Argyle* and *Lennox*, appointed Lord of the Regency by Act of Parliament (*a*), or, as they are called in the Record, *Lordis of the Secret Counsale*, who are impowered, *To steer, execute and put furth the Kingis Authoritie in all Materis concerning the Honor and weell of our Soverane Lordis Person, the comon Weell of the Realm, the Queens Grace being Principale, and ane of the samine as od Person, and that nathing be done without her Advice therto.* And it being ordained by the Authority aforesaid, That evry two of the Regency should Rule and govern by Turns Each three Months, the Earl of *Angus* and Arch-Bishop *Dunbar* of *Glasgow* who was the King's Præceptor, were, on the 17 of *July* 1526, *Chosen to remain with the Kingis Grace*, as he is called in the Record, *Fra this Day furth quhill* Allhaloumes *nixt to come, and with them in Company*, to attend and execute their Orders as I take it, *The Bishop of* Orkney, *the Earl of* Morton, *the Abbot of* Haly-Rood-House, *the Lord* Seaton, *and the Abbot of Arbroath*, who was afterward the Great and Mighty Cardinal *Beaton*. Much about this Time, the Earl of *Angus* was constituted Guardian and Lieutenant of the East and middle Marches toward *England*, and by Act of Parliament, was, with diverse other Lords and Barons, joined in a Commission of Embassy to *England* to treat about a Peace with that Kingdom (*b*): Their Errand and the Business they were to negotiate, will best appear by the Commission itself which I shall here Insert.

JACOBUS *Dei Gratia, Rex* Scotorum, *universis & singulis ad quorum notitias presentes litere pervenerint, salutem. Sciatis, nos de fidelitate, industria, & providis circumspectionibus dilectorum consiliariorum nostrorum subscriptorum*, viz. *Reverendissimi & reverendi in Christo patrum*, Gavini, *Archiepiscopi* Glasguensis, Robetti, *Episcopi Moraviensiis*, Archibaldi, *Comitis* Angusiæ, *Domini* Douglas, *Guardiani & Locumtenentis Orientalium & mediarum Marchiarum Regni nostri versus* Angliam; *venerabilis in Christo Patris*, Georgii, *Abbatis Monasterii Sanctæ Crucis prope* Edinburg. *nostri Secreti Sigilli Custodis*, Willielmi Scot, *de* Balweary, *Militis, & Magistri* Adæ Otterburn, *nostri Advocati, plurimum confidentes; ipsos nostros Commissarios deputatos & nuntios speciales, ex avisamento trium nostri Regni Statuum in nostro Parliamento Congregatorum, fecisse, constituisse, & ordinasse, ac facimus, constituimus, & ordinamus per præsentes, dantes & concedentes dictis nostris Commissariis, deputatis, & Nuntiis, plenam Potestatem & Mandatum speciale, conveniendi cum Commissariis deputatis, & Nuntiis excellentissimi principis Fratris, & Avunculi nostri*, Henrici, *Regis* Angliæ, *apud talia Loca & Dies, prout dictis Commissariis nostrisque & ipsis expedire videbatur, ac de & super Pace, & Guerrarum abstinentia inter nos & dictum nostrum carissimum Avunculum, Regna, Leigios, & subditos per Terram & Mare hinc inde, ad spatium trium annorum tractandi, habendi & perficiendi, ac super legibus & conditionibus earundem communicandi, tractandi, concordandi, & concludendi, &c.* The Treaty with the *English* being negotiate with Success, the Earl, upon his Return, quickly assumed to himself the whole Authority that belonged to the Council in common, and governed at his Pleasure; but this was not all, for finding that the rest of the Regents were not so tractable and submissive toward him as he intended they should have been, he soon found Means to abrogate their Authority and put an End to their Power; for having now a great Interest, and a prodigious Influence in the Parliament, he got an Act passed, whereby the King was to take the Administration into his own Hands. The Act and Resolution of Parliament of the Date 17 of *June* 1526, here follows.

"THE thre Estatis gaderit in "this present Parliament understan-

(*a*) Records of Parliament, the Act bears Date 25th of *February* 1525. (*b*) *Rymer's Fœdera*.

" ding, That our Soverane Lord is " come now to his Age of fourtein " Years: Therefore, decernis and " declaris, That his Authority Roy- " al is in his awn Handis, and to be " execute and uſit be his Highneſs " in Time to come out throw his " Realim, Leigis and Subjects, and " decernis all other Authoritie given " and uſit in Time bi paſt now to " be expirit, and ceiſs in Tyme " cuming.

'Tis eaſy to perceive, what the Earl intended by this Alteration, that under the Shadow of the young King's Name he might govern at his Pleaſure, and apply his Authority to countenance and ſupport his own Deſigns; for in three Days after the King had taken the Government in his own Perſon, he named, tho' *with expreſs Conſent of Parliament, a new Secret Council*, moſtly the Earl's Friends, *viz.* Arch-Biſhop *Dunbar* of *Glaſgow*, Biſhop *Dunbar* of *Aberdeen*, Biſhop *Weems* of *Galloway*, the Earl himſelf, the Earls of *Argyle*, *Morton*, *Lenox* and *Glencairn*, and the Lord *Maxwel*, *whais Counſale*, as the Record bears, *His Grace the King will uſe for the wiell of the Realm*; but in a very ſhort Time thereafter, the Earl let the Council ſee, That he had as little Regard to them in the Adminiſtration, as he had to the Regents his Colleagues formerly: For he took upon him intirely to diſpoſe of all the Offices of the Crown as he pleaſed, he ſent for, and peremptorily demanded the Great Seal from Arch-Biſhop *Bethune*, and kept it ſome Time in his own Hands before he took to himſelf the Title of Lord Chancellor, which I don't find he did before the Eight of *Auguſt* 1527 (*a*): But before that he had made his Couſin Sir *Archibald Douglas* of *Kilſpindy* Lord High-Treaſurer, in Place of Mr. *John Campbell* of *Lundy*, tho' the Maſter of *Glencairn* had been nam'd to the Office (*b*), Mr. *Thomas Erskine* of *Halton* Secretary, in Place of the Prior of St *Andrews*, Mr. *Hepburn*: The PrivySeal he continued indeed in the Hands of the Abbot of *Holy-Rood-Houſe* Mr. *Crichton*, who was a Creature of his own, and whom he quickly thereafter preferred to the Epiſcopal See of *Dunkeld*,

These Proceedings, occaſioned great Diſcontents and Murmurings againſt the Earl, but that which marvellouſly increaſed the Prejudice againſt him was, That the King was thought but indifferently uſed by him, and that his Majeſty look'd upon himſelf to be the Earls Priſoner is very certain; for he ſent a private Meſſage, firſt to the Laird of *Buckcleuch*, and after that to the Earl of *Lenox*, to relieve him by Force: And tho' they both, in Obedience to his Majeſty's commands, attempted the Thing, the one at *Melroſs*, the other at *Lithgow*-Bridge, where the Earl loſt his Life; yet that Way proved unſucceſsful for bringing about the King's Liberation: And to ſhow the Aſcendency the Earl had over the Parliament as well as over the young King, he procur'd an Act of Parliament upon a Supplication as 'tis called given in by himſelf, approving of his Conduct in Reference to the keeping of the King's Perſon at *Melroſs* and *Lithgow*. Wherein 'tis declared, " That the thre " Eſtatis being riplie aviſit, the Me- " rits of the hale Cauſs being uiell " diſpute, conſiderit and underſtanit, " be Sentiment and Uard of Parlia- " ment fand and deliverit, that the " ſaid Earl of *Angus*, and all that " uer with him and tuke their Part " at the ſaid Times had thame and " buir them treulie and honorablie " and Manfully in the ſaid tua Batles, " and had juſt and righteous Cauſe " to fecht in Defence of thair Prince, " and deſerve therfore gret Honor, " loving Thanks and Reuard, and " ſuld ever be truſtit with his Grace, " and tenderlie entretit as his treu " Barronis and Leigis, and that they " comitit na Fault in the commiting of

(*a*) *Charta in publicis Archivis.* (*b*) *Charta in Rotulis privati Sigilli.*

" of the ſaid tua Battleſs nor in com-
" ming therto: Wherfore our Sove-
" rane Lord and Eſtatis decerns the
" Earlis Lordis and Barronis, and all
" there Partakirs and Aſſiſters in the
" ſaid tua Batles, cleane and inocent
" of ony Fault or Cryme that my be
" imputit to them therfore, nou and
" in all Tyme to come." The whole of the Declaration of Parliament will render this Narration the more complete: And therefore I hope it will not be unacceptable to the Reader to peruſe it in the Appendix.

AND now the King finding all Endeavours for his Relief had been hitherto unſucceſsful, he began to think how to get himſelf out of the Earl's Hands, by ſome Stratagem or other, and to ſlip away privately; and having choſen a favourable Opportunity when the Earl his Guardian was out of the Way, he communicated his Deſign to ſome few of his Servants, whom he could beſt truſt: And therefore pretending he was to go a hunting next Day, went to Bed ſooner then ordinary; but very early in the Morning, he went to the Stables in Diſguiſe, and with no more then two or three Servants in his Company, rod Poſt directly from *Faulkland* to the Caſtle of *Stirling*, where the Queen his Mother then reſided, where he was welcomed with all the Congratulations of Joy that could be expreſs'd.

THE King's Eſcape was no ſooner known, than many of the Nobility either willingly, or upon Invitation came to him; particularly, the Earls of *Argyle*, *Huntly*, *Glencairn*, *Eglinton*, *Monteith* and *Rothes*, the Lords *Grahame*, *Drummond*, *Livingſton*, *Sinclair*, *Lindſay*, *Evandale*, *Semple*, *Maxwell* and *Ruthven*: So that now the King finding himſelf perfectly ſecure from any ſudden Attempt, iſſued out a Proclamation, diſcharging the Earl of *Angus* to meddle further in any Part of the Adminiſtration, outed him of all his Offices, and ſtrictly forbad him or any of his Friends to come near the Court by twelve Miles, under the Pain of High Treaſon. The Earl being on his Way to *Stirling*, hearing of this Proclamation, turned back to *Linlithgow*, there to attend the King's Pleaſure; whereupon a Herauld was ſent to him, commanding him to retire beyond the River of *Spey*, and there to remain confin'd during the King's Pleaſure, that his Brother Sir *George*, and his Couſin Sir *Archibald* the late Treaſurer, ſhould enter themſelves Priſoners in the Caſtle of *Edinburgh*, till the King ſhould give further Directions about them, if he and his Friends ſubmitted to theſe Terms, there was ſtill Hopes of the King's Mercy, otherways they might expect the worſt, theſe Offers the Earl rejected; whereupon he and his two Friends were a-new ſummoned to anſwer according to Law, in a Parliament which was to be held at *Edinburgh*, on the fourth of *September* 1528, and had been principally called for that very End.

BEFORE the Day upon which the Parliament was to ſit down, the Earl accompanied with a Number of his Friends and Vaſſals in Arms, endeavoured to gain and be Maſters of the Town of *Edinburgh*, and there to have waited for the King's Coming; But he was prevented by the Lord *Maxwell*, and the Laird of *Lochinvar*, who had ſecured the Town for the King's Service, whereupon he retired to *Dalkeith*, where the Lord Lyon found him, and there put into his own Hands an Indictment of High-Treaſon, ſummoning him by a Day, to appear before the Parliament in Order to his Trial. The Charge conſiſts of an Accumulation of ſeveral Crimes, which I ſhall here ſet down, as it ſtands in the Records of Parliament.

" THE XVIII Day of the Month
" of *July* the Zeir of GOD 1528
" Zeirs, I Lyon King of Armis, ane
" of the Shireſs in that Part within
" written, paſt at the Comand of
" our Soverane Lordis Letteris, and
" laufulie and peremptorlie Sumond
" Warnit and Chargit, *Archibald*
" Erle of *Angus*, perſonalie aprehen-

" dit in the Toun of *Dalkieth*, to com-
" pear perſonalie before our Sove-
" rane Lord, or his Juſtice in his
" nixt Parliament, to be haldin at his
" Brugh of *Edinbrugh* in the Tol-
" buith therof, on *Fryday* the ferd
" Day of *September* nixt to cum, in
" the Hour of Cauſe, with Conti-
" nwation of Days, to anſwer to our
" Soverane Lord, or his Juſtice, for
" the treſonable Art and Part of In-
" obedience, and refuſing to fulfill
" our Soverane Lordis Comand,
" made and deviſit be the Lordis of
" his Counſale and their Decrete; be
" the whilk Decrete, it was coman-
" dit, that the ſaid *Archibald* Erle of
" *Angus* ſuld, for the comone Wele
" and Quiet of the Cuntrie, and Exal-
" tation of our Soverane Lordis Auc-
" toritie, paſs in the North Pairts
" of the Realme, bezonde the Wat-
" ter of *Spey*, within certain Days bi-
" paſt, there to remain, induiring our
" Soverane Lordis Will, under the
" Pain of Treſoun and Crime of
" *Leſe Majeſtie*. And for the tre-
" ſonable Art and Part of the Con-
" vocation of our Soverane Lordis
" Leigis within his Brugh of *Edin-*
" *brugh*, eight Days continualie be-
" fore the firſt Day of *July* Inſtant,
" Laborand in Perſone, and be his
" Letters, and with his Engyne to
" our Soverane Lordis Barronis and
" Leigis, to convene at the Brugh
" of *Edinbrugh*, to invade our Sove-
" rane Lordis Perſon, and his Lordis
" and Leigis that aſſiſtit with him
" for the Tyme, whilk he had
" brought to effect, geif he mycht
" have had ſufficient Barronis and
" Leigis for Battell. And for the
" treſonable Art and Part of the
" Maintainance of the Caſtle of
" *Temptallon*, and of our Soverane
" Lordis Fortalice of *Newerk*, with
" Men, Artilziary and Victalis, a-
" gainſt his Highneſs and his Auctо-
" ritie. And for the treſonable Art
" and Part of the Aſſiſtance and
" Maintainance given to *John John-*
" *ſton* of That-Ilk, bundin in Service
" to the ſaid *Archibald* Erle of *An-*
" *gus*, to hery and byurn with Com-
" panys of Thevis and evill Doers,
" diverſe Tyms be Day and Night
" in the Month of *June* laſt bipaſt,
" Cornis, Landis, Lordſhipis and
" Houſes within the Shirefdomes of
" *Anandale* and *Nidſdale*. That is to
" ſay, The Landis of *Drumcow*, per-
" taining to our Soverane Lord in
" Propertie, and others diverſe By-
" gingis, Landis and Houſes within
" the ſaid Shirefdomes, Alſwa ſlay-
" and his Leigis. And for the tre-
" ſonable Art and Part of the hal-
" ding of our Soverane Lordis Per-
" ſon againſt his Uill, continualie be
" the Space of tua Zeirs laſt bipaſt,
" and againſt the Decrete of the Lor-
" dis of his Parliament, quhair it was
" ordainit, That our Soverane Lor-
" dis Perſon ſuld have in keeping
" be four dividit Partis in the Zeir,
" in the Hands of certain Lordis as
" their Courſe comes unto the Month
" of *June* laſt bipaſt, into the quhilk
" Month, our Soverane Lord put
" himſelf to Libertie. And for the
" treſonable exponing of our Soverane
" Lord to Batle, he bieing of tender
" Age, and upon all and ſundrie o-
" ther Poynts of Treſon and Crymes
" of *Leſe Majeſtie*, containit in thir
" our Soverane Lordis Letters of
" Sumonds, and after the Forme, Te-
" nor and Effect of the ſamin.

THE Parliament met at the Day appointed, where the ſame Indict-ment of High Treaſon that was contained in the Summons was ex-hibited againſt him, and read in the Houſe. We may here obſerve, that the Earl had the Fate of all diſgrac'd Miniſters, to be forſaken of all his Friends: For tho' he had very many Relations there, and many more whom he had obliged by Offices of Kind-neſs, yet there was no Man within thoſe Walls who offered to ſpeak one ſingle Word in his Favour, ſave one generous Friend, Mr. *John Ballenden*, who had been his Secretary, who had the Courage and Kindneſs to offer ſome Defences in his Name, and Reaſons, why neither he nor his Friends could with Safety then ap-pear, and withall proteſting, that what

whatsoever was transacted there, might not turn to his or their Prejudice. The Reasons were these,

"In the first we being callit "apoune oure Lyfis, Landis and "Guids, and are na Men of Law our "self, ue can get na Procuratour "nor Advocat to speik for us, and "sua ue suld not be accusit nor com-"pelit to answer, uithout ue have ane "Advocate gevin us upone our Ex-"pensis, quhilk of the Law evry "Juge aucht to do to ony Persone "yat is callit before him, and uith-"out the quhilk ue aucht not to an-"swer and protestis geif ue gett na "Advocate, and ony Process he led "against us, for Remeid of Justice, "when and whair it efferis.

"Secundlie, ue understand, "yat the Tyme is now feriat, and "na Court may be halden, Parlia-"ment nor uther in feriat Time, but "ane Dispensatione had of the Superior "yrupone, and in yis Caiss yair is "na Superior to the Kingis Grace to "dispens uith him to hald his Parli-"ament in yis feriat Time, for he "has na Superior in the Country in "Temporalitie, and albeit it uar "said, yat his Grace and thre Estatis "may dispenss, yair may na Man dis-"penss uith himself, for that mon "come fra ane Superior; and yairfore "be all Laws Civile and Canone, "ye Kings Grace may na mair hald "his Parliament in this feriate Tyme, "na, he may hald it on Pasche Day, "or Zule Day, quhilk we traist na "Man will think he may do it; and "herefore we protest *ut supra.*

"Item adherand to yir our Pro-"testationis, and not passand yrfra, "ue propone yir Defensis against the "Points of the Summondis made a-"poune *Archibald* Earl of *Angus*, *George* "*Douglass* and *Archibald Douglass* not "admitand the Time nor Place ye "Relevance nor Exception of the "Summonds, bot protestand, that "we may oppone agane the samen, "and als Retractatione and Restitu-"tione, geif ocht be done agains us "to oure Skaithe, quhen and quhair "it efferis.

"In the first ue war summond "for treasonable Disobeying of the "Kingis Command we beande char-"git undir the Pane of Treasoune, yat "I *Archibald* Earl of *Angus* suld pass Be-"north the Uater of *Spey*, and entir my "Broyir, and *Archibald* my Eyme in "uard in the Castill of *Edinburgh*, ilk "ane to fecith vyir: We say, that "houbeit the Kingis Grace be Coun-"sale of our Unfrindis was causit to "charge us to sick Thingis yat was "dangerous to our Lifis, and quhilks "we durst not do for Dout of our "Lifis: The not fulfilling yrof is "na Tresune, for geif sick Things "war Tresoune, the Kingis Hienes "might euir, quhan he uald, charge "ony Lorde or Barone to do ane "Thing, that he durst not do for "Danger of his Lyfe, and quhen he "left it undone, forfalt him of Lyfe "Land and Guids, quhilk uar oure "sare, and dangerous Exemple, for "all ye Kingis Liegis.

"Item the second Poynt quhair "we ar sumond for gadering and "Convocatione making agains the "Kingis Grace at his cuming to *Edin-*"*brugh* before the ... Day of ... We "Answer, yt we gaderit not, euir na "Man agains his Grace, but ever to "do his Grace treu and faithful Ser-"vice, and ever obeye his Will and "Plesure; Likeas at yat Tyme, We, "at his Will, departit fra the Toun "of *Edinbrugh*, quhair ue uirkit na-"thing agains his Grace; but to do him "Service as ue sall euir zit do, how-"beit ue profes to defend our Persons "fra our Enemyis, uith help of our "Freindis, quhilks is Lesum to all "Men and no Tresoune.

"The thrid Poynt of tresonable "Assistance to the Laird of *Johnston*, "in Depopulatione of the Cuntrie, "we ken nathing of the Lard of "*Johnstons* Doingis in that Mater, "nor gaif him never Counsale, Help "nor Assistance thereto: And alse "we understand, the Trouble yat fell "betuix the Lord *Maxuell* and the "Lard of *Johnstone* was not Crymes "of Treson, but perticular Actione "of Nighbour weir; Ilk ane of thame

" brunt and ſlew utheris Landis, Men " and Servandis, for there aun parti- " cular Actionis: And this uas na " Depopulatione of the Cuntrie, ane " Parti againis ane other to do ſick " Thingis, and gif it was Tre- " ſone to the tane of them, it was " Treſoune to the tothir; and hou- " ever it was, We had nouther Art " nor Part Witt, nor Knaulege ther- " of; bot when the common Voce " of the Cuntrie brought it to us, " and als nouther of theme ar yet " convict of Treſoune, and whyl " the Principale be convict, their " can nane uthir be convict of Aſſiſ- " tance.

" ITEM to the Point of treſona- " ble ſtuffing and furniſhing of the " Houſe of *Temptaloune*, *Colbrandſpath*, " *Neuerk* and *Douglis*, againis the " Kingis Grace, we denay ony Tre- " ſone in that Behalf; we ſtuffit ne- " ver Houſs againis the Kingis " Grace, bot all our Houſis ey war " and ar ready to do his Grace what " Leſum is to ony Man that has ane " Houſe, quhar he and his Houſold " ſuld dwell, to have Permiſſioune " therin to ſpend and Munitionis " to kepe baith themſelf and ther " Houſes fra their Enjemies, and ther " is na Law againis yat Mater, nor " tuching Houſhalding, bot an Act " of Parliament alanerlie berand, that " quhar ony Perſonis ſuſpectit to the " Kingis Grace ar reſet and haldin " in ony Hous, the Perſonis that " aw the Hous ſuld ſet the Kingis " Servandis and Officers cum rype " and veſy, and ſa geif ony ſuſpectit " Perſonis war ther or not, but ther " Officers ſuld not tak the Houſes " fra them that aw them, be na way, " and there is na Reſune to ask " Mens Houſis fra them nor uther- " uays, nor it is na Treſune to Men " to keip ſtil their auin Houſes, they " beand appynit to the Kingis Grace, " his Servandis and Officers to the " Effect of ſerſing whais in them.

" AND as to the Poynt of the " haiſeing of the Kingis Perſon in " our Cure and Rule, contrair the " Ordinance of the Counſale, we " did never ſick Thing, as is uell " kend. The Kings Grace raid whair " ever he pleſit, with mony or few " thir thre Zeris bigane, and oftymes " never ane callit *Douglas* in his Cum- " pany, whilk ue refer to all the Coun- " trie: And ferther, gife ony Tyme " had bene, that ue had miſhad ws " in that Part, ue have an Remiſſi- " oune of his Grace for all Things " before ye . . . . Day of . . . . in the " Year of GOD 152- Years, excep- " tand na Maner of Crymis, and de- " ſires that the ſaid Remiſſione be " kepit to us in all Thingis, before " the Dait of it, and ſen the Dait of " it, we denay all Crymes of Tre- " ſune, for we have comitit nane.

" ITEM, anent the Debaits at uar " made at *Melroſs* and *Linlithgow*, " tuching our bering to the Kingis " Grace at yai Times, ue have an " Declaration of Parliament, bearand, " that ue comitit na Crymes at yai " Tymes, bot ſhew us trew faithful " and gude Baronis to his Grace, " and deſervit therfor Thanks and " Reuard perpetualie: And ferther, " our Adverſarys at that Time were " convictit of Treſune, and ſa mony " as was put to Accuſatioune: And " ſa ue ar innocent.

BUT all Arguments in the Earl's (or his Friends) Favour availed nothing, for the Prejudice againſt him was ſo great, that the whole Proſecution was tranſacted and carried through in one Day, and as it would appear, according to the Reſolution taken before, upon the foreſaid Articles, they were all (*a*) declared Guilty of High Treaſon by this Sentence, as the Doom of Parliament.

" THAT foraſmekle as it is fun- " din be the Senſiment of Parlia- " ment, that *Archibald* Erle of *An-* " *gus*, *George Douglaſs* his Brothir, " and *Archibald Douglas* his Eyme, " has comittit and done Treaſone " againis our Soveraigne Lord, in " the Inobedience and refuſing to fulfil

(*a*) Records of Parliament *September* 5th 1528.

" fulfil our Soverane Lordis Comand, " made and deviſit be the Lordis " of Counſale, and in Convocatione " of our Soverane Lordis Leigis, " within the Brugh of *Edinbrugh* " VIII. Days continualie, and in " mantining of the Caſtill of *Temp-* " *talone*, *Newerk* thereof, with Men " Artilziarie and Victualis, and in " the Aſſiſtance given to the Larde " of *Johnſton*, to hery and burn with " Companies of Thevis baith be Day " and Night, and in halding of our " Soverane Lordis Perſon agains his " Uill continuallie, be the Space of " tua Zeirs, agains the Decreit of his " Lordis of Parliament, and of ex- " poning of his Perſon to Battel, he " being of tender Age; for the whilk " Cauſes, they have forfaltit thair " Lyfis, Landis and Guids, to re- " mane with our Soverane Lord, " and his Succeſſors in Tyme to " come.

THE Earl now ſeeing all Hope of Pardon cut off, and deſpairing of the Royal Clemency, he betook himſelf, ſays a learned Author, (*a*), *to open Force, and to the only Comfort*, adds he, *they had left, which was in Revenge*; for they committed all Manner of Hoſtilities, plundering and burning the whole Country before them (*b*), and in a Manner beleagured the Town of *Edinburgh*, having always his own Caſtle of *Tamptallon* for a ſafe Retreat to fly to. But that he might be diſlodged thence alſo, and have no Shelter there, Orders were given to beſiege the Caſtle, which was not found to be ſo eaſy a Matter, as the Court at firſt projected; but that which did the Buſineſs effectually, was, a Commiſſion of Lieutenancy given to the Earl of *Argyle*, to march againſt the Earl and his traiterous Adherents, and well knowing the General had Authority and Power enough to force him out of the Country, or to bring him to Juſtice; how ſoon he heard he was upon his March toward him, he diſperſed his Forces, and himſelf with his Brother Sir *George*, and his Friend Sir *Archibald* fled to *England*, where the Earl and his Brother lived in a State of Exile, tho' King *Henry* VIII. by his Bounty made it as eaſy to them as poſſible, for the Space of fourteen Years, even till the Death of King *James* V. that they returned Home, and were by Parliamentary Authority reſtored (*c*), and their Forfaulture reverſed, upon the very ſame Grounds and Reaſons that had been offered in their Defence by Sir *John Ballanden* formerly, at the Time of their Attainder, and were then ſo much ſlighted and diſregarded. For on the 15th of *March* 1543, " The " Lord Governore uith the Auiſe of " the thre Eſtatis of Parliament, and " be Senſiement of the ſamin, Re- " treits, reſcindis, Caſſis, and annu- " lis the pretendit Lande and Dome " of Forfaulture, led and given a- " gains *Archibald*, ſumtyme Erle of " *Angus*, *Gorge Douglas* his Brodir " Germane, and Umquhyle *Archi-* " *bald Douglas* their Fader Brodir, " and decernis and declaris be Sen- " ſiement of this preſent Parliament, " to have been null fra the Begin- " ing, uith the Anexation of Parli- " ament of the Landis of the ſaid " Erle and his Brodir, uith all that " falouit thereupon, of nane Availe, " Force nor Effect in Tyme to " come: For the Reaſons and Cauſis " forſaids, the ſaid Earl, *Gorge* his " Brodir, and *Archibald Douglas*, Son " and Heir of *Archibald* their Fader " Brodir, to be reponit, and repo- " nis them in thair firſt State, anent " their Lif, Fame, Honours and " Landis, Guids movable and immo- " vable whatſomever, as they uar " before the giving of the ſaid De- " crete, and Dome of Forfaulture.

THE Earl of *Angus* being now reſtored to his Eſtate and Honour, was very zealous, and did all he could in the Parliament to forward the King of *England*'s Project of uniting

T the

(*a*) Mr. *Buchannan*. (*b*) Mr. *Drummond* of *Hathornden*'s Hiſtory of the Reign of King *James* V. (*c*) Records of Parliament.

the two Nations, by a Marriage betwixt his Son Prince *Edward*, and the young Queen of *Scotland*, judging the Match would be beneficial to the Country, as what would bury all former Grudges and Quarrels, and eſtabliſh a perpetual Friendſhip betweeñ the two Nations. But tho' the Peace and Marriage was agreed to by the Parliament, yet it was afterward broke by the Artifices of Cardinal *Bethune*; which ſo much diſguſted the Earl, that he avowedly owned, he was for gratifying the King of *England* in the Marriage, even after the Parliament had declared the Treaties with *England* to be expir'd, and not to be kept upon the Part of *Scotland*: Whereupon, he, and the Lords of the *Engliſh* Faction, drew up a Repreſentation at the Caſtle of *Douglas*, to be ſent to King *Henry*, offering their Service, if he would proſecute the intended Marriage by Force; but I believe it was more a Compliment, than any Thing elſe: For we ſee, that no ſooner did the *Engliſh*, in Proſecution of the Marriage, invade the Country, under the Command of Sir *Ralph Iwers*, and Sir *Brian Laiton*, than he eſpouſed the Intereſt of his Country, in a very hearty Manner (*a*), and join'd the Governour with a ſtrong Party of his Friends and Dependers at the Fight at *Ancrum-Muir*, where he behaved with great Courage and Reſolution; and to his Valour was chiefly aſcribed the Honour of the Victory. King *Henry* hearing of the Earl's Conduct, is ſaid to have taxed him of Ingratitude, for the many Favours he had received from him: But as no Favour could bind him to betray his Country, or omit his Duty to it; ſo he expreſſed no other Concern for King *Henry*'s Reſentments than this, *Is our Brother in Law*, ſays he, *offended, that I am a good* Scotſman, *and becauſe I have revenged the defacing the Tombs of my Anceſtors at* Melroſs, *upon* Ralph Iwers, *they were better Men than he, and I ought to have done no leſs* (*b*), *and will he take my Life for that, little knows King* Henry, adds he, *the Skirts of* Kirnetable, *where I can keep my ſelf from all his* Engliſh *Hoſt.*

The Earl acted no leſs the Patriot in the noble Defence he made at the Battel of *Pinky*, where he commanded the Van of the Army, and if others had done their Parts as well as he did his, 'tis very probable the *Scots* Army had not met with ſo diſmal an Overthrow, and Things would have taken another Turn: However, tho' he loſt many of his Friends, yet he found Means to make his Eſcape himſelf: And thereupon went directly to *Stirling*, where the Queen Dowager then kept her Court, humbly repreſenting the Calamity the Country groan'd under, and beſeeching her Majeſty, that ſhe would aſſiſt and concur with the Governour in ſettling the divided and perplexed State and Condition of the Kingdom. And indeed his Advice had a very good Effect; for tho' there had been no good Underſtanding betwixt the Queen Dowager and the Governor before; yet we find them, thereafter, both ſitting in Council together, and cheerfully concurring in the Defence of the young Queen, and the Liberty of the Realm. From henceforward, the Earl of *Angus* lived retiredly in the Country, and moſtly at *Tamptalon*-Caſtle in Eaſt-*Lothian*, where at length he departed this Life in the 1556, and was interred at the Collegiate-Church of *Abernethy* in *Perth* Shire, the burying Place of his Anceſtors, the Lords of *Abernethy*, where his Funeral Monument is yet to be ſeen. Every Body may judge as they pleaſe of the Character Mr. *Hume* (*c*) is pleaſed to give of him, viz. *That he was a Nobleman of great Wiſdom and Magnanimity, Truth, and Uprightneſs in Words and Actions, Chief in Nobility beyond all, Chief in Perſonage beyond all,* Chief

(*a*) Records of the Privy Council. (*b*) *Hume*'s Hiſtory of the *Douglaſſes*. (*c*) In the Hiſtory of the Houſe of *Douglaſs*.

Chief in every good Quality beyond all; worthy therefore, whom the Queen ſhould have preferred to be her Husband beyond all, and worthy of whom ſhould deſcend the Race of Kings ſo Noble beyond all. This Illuſtrious Earl married firſt *Margaret* Queen-Dowager of *Scotland*, eldeſt Daughter of King *Henry* the VII. of *England*, by whom he had only a Daughter, the Lady *Margaret Douglaſs* aforeſaid, who was married to *Matthew* ſecond of that Name, and third Earl of the Illuſtrious Houſe of *Lenox*, to whom ſhe bore *Henry* Lord *Darnly*, who by *Mary* Queen-Soveraign of *Scotland* his Wife, had a Son King *James* VI. the firſt Monarch of Great *Britain*: So that that Way, of the Earl of *Angus* the Lord Chancellor, are not only the whole Royal Race of the *Britiſh* Kings ſince deſcended, but moſt of the Soveraign Princes in Europe have his Blood running in their Veins. By his laſt Wife *Margaret*, Daughter of *John* Lord *Maxwell*, he had a Son *James*, who died young before himſelf: So that his Eſtate and Honour at his Death devolved on *David Douglaſs* of *Pitendrich* his Nephew, by his beloved Brother Sir *George*, who was a very faithful Companion in all the Turns and Viciſſitudes of good or bad Fortune that befel the Earl throughout the whole Courſe of his Life.

Gavin Arch-Biſhop of *Glaſgow*.

THE Family of the *Dunbars* of which this Prelate was deſcended, was originaly a Branch of the moſt ancient and illuſtrious Houſe of the Earls of *Dunbar* and *March*; for King *David* the *Bruce* gave *Dilecto Conſanguineo ſuo*, Georgio *de* Dunbar, *omnes & ſingulas Terras de* Cumnoc, *cum pertinentiis, infra Vicecomitatum de* Are, *de* Blantyre *cum pertinentiis, infra Vicecomitatum de* Lanerk; *ac omnes & ſingulas Terras de* Glenken, *& de* Mochrum, *cum pertinentiis, infra Vicecomitatum de* Drumfriſe, *quæ fuerant* Patricii *de* Dunbar, *ultimi Comitis Marchiæ*; and which were reſigned by the Earl, *Tenendas & habendas prædicto* Georgio *de* Dunbar, *& hæredibus ſuis, in integras & liberas Barronias* (*a*): *Apud* Strivelyn, *viceſſimo ſexto Die* Julii, *Anno Regni noſtri, triceſſimo nono*, that is the Year of our Lord 1369. This *George* was ſucceeded by *Patrick Dunbar* of *Cumnock* (*b*), who gave the Lands and Barony of *Blantyre* to *Cuthbert* his Brother-German; but having no Iſſue-Male of his own Body, he ſhared his Eſtate among his Daughters, whom he had by *Margaret Boyd* his Wife (*c*), *viz.* To *Eupham* the eldeſt, and Sir *James Dunbar* her Husband, at that Time Son and Heir apparent of Sir *Alexander Dunbar* of *Weſtfield*, Sheriff of *Murray* (*d*), he gave the Barony of *Cumnock*; and to *John Dunbar* ſecond Son to the ſaid Sir *Alexander* and *Margaret* his Wife, his ſecond Daughter, he gave the Barony of *Mochrum*, from whence this Gentleman took his Title, and had Iſſue by her *John* his Succeſſor in his Eſtate, *Archibald Dunbar* firſt of that Branch of the *Dunbars* of *Baldoon* (*e*) in the County of *Wigton*; and *Gavin* Arch-Biſhop of *Glaſgow* the third Son, who being carefully educated in Grammar Learning from his Youth, he ſoon diſcovered the Pregnancy of his Parts, and his elevated Genius in this lower Orb of Education, inſomuchas, while he was but very young, he became a Student in the Univerſity of *Glaſgow*, where applying himſelf by indefatigable Diligence and Induſtry to the Study of the *Belles Lettres* and Philoſophy, he attained to an immenſe Knowledge, in all the Parts of Academical Learning, which he became afterward ſo Famous for.

AFTER this, Mr. *Dunbar* applyed himſelf to the Study of Theology, and the Canon Law, which he

(*a*) *Charta in Rotulis Regis* David II. *ad Annum* 1369. (*b*) *Charta in Rotulis* Jacobi III. (*c*) *Charta in publicis Archivis.* (*d*) *Ibidem, ad Annum* 1479. (*e*) Mr. *David Simpſon*'s Hiſtorical and Genealogical Collections. M. S. *penes me*, I have ſeen other original Writs in the Reign of King *James* V. confirming Mr. *Simpſon*'s Aſſertion

he purſued with uncommon Application, and taking Holy Orders from his Uncle Biſhop *Dunbar* of *Aberdeen*, was made Dean of *Murray* in 1514 (*a*) which was the firſt Step the Arch-Biſhop made into the Church. Quickly after this, he was preferred to the Priory of *Whitern* in *Galloway* (*b*): And, upon the Fame of his Abilities and Learning, he was pitched on as the moſt Polite and beſt qualified Perſon of any other in the Kingdom to be Præceptor to the young King *James* V. and he managed the Province allotted to him ſo happily, that he taught his Royal Pupil with Eaſe and Pleaſure every Thing that was neceſſary for ſo great a Prince to learn in his young and tender Age. The Prior's eminent Qualifications began now to be generally taken Notice of throughout the Kingdom, and particularly by the Lords of the Regency, who promoted him to the Archiepiſcopal See of *Glaſgow*, upon the Tranſlation thence of Arch-Biſhop *Bethune* to the Primacy, by Letters Patent 27th of *September* 1524 (*c*); but tho' he had been regularly and canonically elected and poſtulated by the Chapter, yet through ſome Defect or other, I cannot account for, he was not conſecrate all that Year; but that the Delay might prove noways diſadvantagious to him, in the Adminiſtration of his Function, he had a Gift under the Great Seal, authorizing him, *With full Power and Facultie to preſent whatſomever qualified Perſon or Perſons to all Benefice that ſhall happen to Vace within the Kirk and Dioceſs of* Glaſgow, *induring the Time of the Vacancy of the See, which was pertaining to the King's Preſentation* (*d*).

In the 1526, the Arch-Biſhop was named one of the King's Privy Council, in whom the Adminiſtration was lodged (*e*) and upon the Fall of the Earl of *Angus* was conſtituted Lord High Chancellor of *Scotland*, and had the Great Seal delivered to him on the 21ſt of *Auguſt* 1528 (*f*). He had always a full Share in his Maſter's Eſteem, who looked upon him as a wiſe and able Servant, and worthy of the Truſt he repoſed in him: And therefore in 1536, when the King went to *France*, to eſpouſe his Queen *Magdalen*, Daughter of *Francis* I. he appointed the Arch-Biſhop, one of the Lords of the Regency, his Colleagues being the Arch-Biſhop of St. *Andrews*, the Earls of *Huntly*, *Eglinton*, *Montroſe*, and the Lord *Maxwell* (*g*).

It was about this Time or a little before, that the King of his Royal Bounty gave the Arch-Biſhop the *Commendam* of the Abbacy of *Inchaffry*, then in his Majeſty's Hands, by the Death of Biſhop *Stewart* of *Murray* (*h*), which he held till his dying Day: And notwithſtanding the various Changes in the Miniſtry during this Reign, the Lord Chancellor, for whom the King retained always a more than ordinary Favour, enjoyed the Place for the Space of about fourteen Years, even to the Death of the King.

Upon the Acceſſion of the Earl of *Arran* to the Regency, the Arch-Biſhop was continued in the Chancellor's Place, and by Act of Parliament, was appointed to be one of the Lord's of the Governour's Council (*i*), ſix of the Number being at the leaſt neceſſary to concur with his Grace, in all the Acts of the Adminiſtration.

Upon the fourth Day of the Parliament, being the 15th of *March* 1543, the Lord *Maxwell* offered a remarkable Propoſal, for a Liberty of Reading the Bible in the Vulgar Tongue. The Lords of the Articles found this reaſonable, and thought the Holy Scripture might be uſed by the

(*a*) *Litera* Jacobi IV. *Regis* Scotorum. (*b*) *Ibidem.* (*c*) Writs of the Privy-Seal. (*d*) *Ibidem. dat.* 22 *December* 1524, in the Gift he is deſigned only Prior of *Whitern* and Poſtulate of *Glaſgow*. (*e*) Records of Parliament. (*f*) *Charta in publicis Archivis ad Annum* 1528. (*g*) *Commiſſio Regentium in publicis Archivis ad Annum* 1536. (*h*) *Charta in publicis Archivis.* (*i*) Records of Parliament.

the Leiges, becauſe there was no Law ſhew'd to the contrary: And therefore they agreed, that none ſhould incur any Crime, for having or reading it, nor be accuſed for it (*a*). When the Act came to be read in full Parliament, the Arch-Biſhop the Lord Chancellor, in his own Name, and in the Name of all the Prelates of the Realm that were preſent, *diſſentit to it, and opponed them thereto; unto the Time that a Provincial Council might be had of all the Clergy of the Realm, to adviſe and conclude thereupon, if the ſame be neceſſary to be had in the Vulgar Tongue, to be uſed among the Queen's Leiges or not; and thereafter to ſhew the utter Determination that ſhall be done in that Behalf.* But notwithſtanding this Oppoſition of the whole Clergy, we ought to adore the Goodneſs of Almighty God, the Act paſſed, and the Governour ordained the ſame to be proclaimed (*b*), which was the firſt Step toward a Reformation. The Act for reading the Bible in *Engliſh*, being never hitherto printed at Length, I have put it in the Appendix.

But Arch-Biſhop *Dunbar* not being thought zealous enough in Matters of Religion, Cardinal *Bethune* the Arch-Biſhop of St. *Andrews*, who now carried all the Sway, that he might the more eaſily carry his Deſigns, found Means to lay aſide our Prelate from being Chancellor, in the End of the 1543 (*c*), to which he came himſelf, as we ſhall obſerve, in a very haughty Manner. After this the Arch-Biſhop retired to his Dioceſs, and employed himſelf in Matters of his Function; for we find no Mention of any publick Action done by him, either in the Archives of the Kingdom, or in any of the printed Hiſtories; only we ſhall remark, that at this Time he built the noble Gate-Houſe at his Epiſcopal Palace in the City of *Glaſgow*, whereon are his Arms engraven, *viz. Three Cuſheons within a double Treſſure, flowered and counterflowered*, with which we ſhall conclude the Hiſtory of him. He died on the 30th of *April* 1547 (*d*), which none of the Hiſtorians have taken any Notice of, and was interred in the Chancel of the Cathedral Church, in the Tomb he had cauſed to be built for himſelf, but is now removed, and ſo quite taken away, that there is not the leaſt Veſtige of it remaining, nor can ſo much as the Place be ſhown where it ſtood. Our Hiſtorians exceedingly commend Arch-Biſhop *Dunbar* as a good Man and learned, and none of them more than Mr. *George Buchanan*, who will not be thought over partial to one of the Arch-Biſhop's Character and Function, if Juſtice did not extort it from him; for tho' Mr. *George* might change his Mind afterward, yet we are ſure, he once had a very great Opinion of Biſhop *Dunbar*'s Vertues, which he has deſcribed in this noble Epigram upon him.

Præſulis accubui poſtquam conviva Gavini,
Dis non invideo Nectar & Ambroſiam.
Splendida cœna, epulæ lautæ, ambitione remotâ,
Tetrica Cecropio *ſeria tincta ſale,*
Cœtus erat Muſis numero par, nec ſibi diſpar
Doctrinâ, ingenio, ſimplicitate, fide.
Ipſe alios ſupra facundo prominet ore,
Qualis Caſtalii *præſes* Apollo *Chori.*
Sermo erat ætherei de Majeſtate tonantis,
Ut tulerit noſtræ conditionis onus.
Ut neque concretam Divina potentia labem
Hauſerit in fragili Corpore tecta hominis:
Nec licet in ſervi Dominus deſcenderit artus,
Naturam exuerint membra caduca ſuam.
Quiſquis adeſt, dubitat, ſcholæne immigrarit in aulam,
An magis in mediam venerit aula ſcholam.
Jupiter *Æthiopum convivia ſolus habeto,*
Dum mihi concedas Præſulis ore frui.

Cardinal *David Bethune*, Arch-Biſhop of St. *Andrews*.

This great Prelate was the ſecond Son of *John Bethune* of *Balfour* by *Iſabel* his Wife, Daughter of *David Moniepenny* of *Pitmilly*, in the County of *Fife*. He was born in the

(*a*) Records of Parliament. (*b*) *Ibidem.* (*c*) Acts of Parliament. (*d*) Gift to the Lord *Sommerville* of the Bailliary of *Lileſclew* then in the Crown, by the Deceaſe of *Gavin*, Arch-Biſhop of *Glaſgow*, who died 30th *April* 1547, in the Publick Records of the Kingdom.

1494 (*a*), and carefully educated in the Schools of Learning at Home, and afterward, for the future Improvement of his Education, was ſent to *France*, in his ſixteenth Year (*b*), where he applied himſelf to the Study of the Civil and Canon Law, in which he became a great Proficient, as well as in other Parts of Learning, that were fit for a Perſon who was to engage in the Service of the Church.

Mr. *Bethune* being a young Man of excellent Parts, was pitch'd on by the Regent of *Scotland*, to be Reſident or Envoy for *Scotland* at the Court of *France*, upon the Death of Mr. Secretary *Pantar*, in 1519 (*c*), where he gave great Proofs of his Abilities in the Management of Affairs, for ſeveral Years thereafter. It was about this Time, that his Uncle the Arch-Biſhop of *Glaſgow* beſtowed upon him the Rectory of *Campſay* (*d*); but I imagine he was not as yet in Prieſt's Orders, for in the Gift of Preſentation, he is deſigned only *Clericus Sancti* Andreæ *Dioceſis*.

In the 1523, his Uncle being now Arch-Biſhop of St. *Andrews*, Primate of *Scotland*, and Commendator of *Arbroath*, reſolved to reſign the Abbacy in Favours of his Nephew, and for that End he prevailed with the Regent the Duke of *Albany*, to write in the moſt preſſing Manner, both in the young King's Name and his own, to Pope *Adrian* IV. to expede and diſpatch the Bulls of his Inveſtiture (*e*); and withal requeſting his Holineſs, that by the Plenitude of his Apoſtolick Power, he would be pleaſed to diſpenſe with Mr. *Bethune*'s taking on, what they call the Habit, for the Space of two Years (*f*), which the Pope, to gratify the King, granted. Theſe two Years Mr. *Bethune* continued in *France*, and upon his Return in 1525, we find him taking his Place and Seat in Parliament, as Abbot of *Arbroath* (*g*). Little can be ſaid of the Abbot henceforward, till about the Time of the Fall of the Earl of *Angus*, that he was made Lord Privy Seal, upon the Surrender of Biſhop *Crichton* of *Dunkeld* in 1528 and after that he got mightily in upon the young King, and quickly came to be a Favourite.

In the 1533, the Abbot who was now Protonotary Apoſtolick, was, with the Secretary Sir *Thomas Erſkine* of *Brichen* Knight, ſent Ambaſſadour to *France*, to treat as the Commiſſion bears (*h*), *Cum Chriſtianiſſimo* Francorum *Rege* Franciſco, *Fratre noſtro & Confederato*; *& inter alia a nobis commiſſa Negotia, ſpecialiter petant atque exigant, ut idem Frater noſter & Confederatus* Francorum *Rex, contractum inter illum & nos initum, & confectum* Rothomagi, *effectum ſuum habeat & ſortiatur*; *& præſertim in quantum poterint, Matrimonium inter nos & præfati Regis ac Fratris noſtri primogenitam, Dominam* Magdalenam, *conſumet*.

Tho' the Marriage betwixt the King and the Princeſs *Magdalen* was now treated of, yet the Lady being ſickly, it was not concluded for near four Years after this: However, the Abbot in the Negotiation found Means to render himſelf very Gracious to King *Francis*, inſomuch as he was firſt naturalized in that Kingdom, and then preferred to the Biſhoprick of *Miropoix*, to which he was conſecrated on the 5th of *December* 1537. That Prince alſo contributed very much toward his Advancement to the Cardinal Dignity, to which he was promoted by Pope *Paul* III. the 13th of the Calends of *January* 1538, by the Title of *Sancti* Stephani *in Monte Celio* (*i*). Theſe Favours engaged the Cardinal deeply in the Intereſt of *France*, as will appear more fully in the Hiſtory of his Life: But that he might appear

(*a*) *Hay*'s Panegyrick on Cardinal *Bethune*, and Sir *David Lindſay* of the *Mount*'s Account of the Cardinal's Death. (*b*) *Hay*'s Panegyrick. (*c*) *Literæ Regum* Scotiæ. (*d*) *Ibidem*. (*e*) State Letters. (*f*) *Ibidem Literæ*, wherein there is a very great Character given of Mr. *Bethune*'s Vertues at that Time, as well as his other great Abilities. (*g*) Records of Parliament. (*h*) The Original Commiſſion is ſtill extant in the Records of the Great Seal, in the Publick Archives, dated 22d Februarii 1533, *ex Regia noſtra* Falklandiæ. (*i*) *Hollingſhed* and *Dempſter*.

appear with as great a Luſtre in his own Country at Home, as he did in *France*, or at *Rome*, he was made Coadjutor of the Arch-Biſhoprick of St. *Andrews*, and future Succeſſor (*a*) to his Uncle the old Biſhop; upon whoſe Death in the 1539, he came to be fully inveſted in the Primacy.

THE Cardinal, ſoon after his Promotion to the Arch-Biſhoprick, diſcovered himſelf of a warm and perſecuting Temper; for, to ſtop the Progreſs of thoſe who oppoſed the eſtabliſh'd Religion, he brought a great Confluence of Quality both Clergy and Laity to St. *Andrews* (*b*): And here in the Cathedral he made a Speech to acquaint them with the Increaſe of Hereſie, how the Catholick Faith was inſulted; that Heterodoxy was openly maintain'd, and too much incouraged within the Court; particularly, he mentioned one Sir *John Borthwick*, who had been cited to St. *Andrews* for diſperſing heretical Books, and holding ſeveral Opinions contrary to the Doctrine of the *Roman* Church. The Articles were theſe,

I. *He held the Pope had no more Authority than any other Biſhop.*

II. *That Papal Indulgences and Pardons were deſigned only to abuſe ignorant People, and ſignified Nothing.*

III. *That it is lawful for Biſhops and Prieſts to marry.*

IV. *That the Hereſies commonly call'd the Hereſies of* England, *and their Liturgy were a commendable Reformation, and ought to be followed by the reſt of* Chriſtendom.

V. *That the People of* Scotland *were miſled by the Clergy out of the Profeſſion of the true Faith.*

VI. *That Churchmen ought not to injoy any Temporalities.*

VII. *That the King ought to ſeiſe the Eſtates of the Church, and convert them to other pious Uſes.*

VIII. *That the Church of* Scotland *ought to be govern'd after the* Engliſh *Model.*

IX. *That the Canons and Conſtitutions of the Church were repugnant to the Laws of GOD, and by Conſequence of no Force.*

X. *That the Monaſtick Orders ought to be ſuppreſs'd.*

XI. *That he took the Liberty of reading and diſperſing heretical Books written by* Melancton, Oecolampadius *and* Eraſmus.

SIR *John Borthwick* appearing neither in Perſon nor in Proxy, the Charge was taken for confeſs'd, upon which he was declared a Heretick, his Goods confiſcated, burnt in Effigy, and all Perſons prohibited to entertain or relieve him under the Penalty of Excommunication. Being informed of theſe Proceedings againſt him, he retired into *England*, where he was well received by King *Henry*, and honoured with a publik Character to the Proteſtant Princes in *Germany*. But Sir *John Borthwick* was not the only Perſon the Cardinal proceeded againſt for Hereſie, for quickly after this, he proſecuted ſeveral others, ſome of them Perſons of Quality, for what he called the ſame Crime, as *Andrew Cuninghame*, Son to the Maſter of *Glencairn* (*c*), *James Hamilton* of *Livingſton* (*d*), Brother to Mr. *Hamilton* the Martyr, and Mr. *George Buchanan* the celebrated Poet and Hiſtorian; and they would all of them have certainly died, if they had not made their Eſcape out of Priſon: For the King having abſolutely left all Men to the Mercy of the Cardinal, who knows what Lengths he might have gone, if Providence had not prevented the Execution of his bloody Deſigns, by the Death of the King; ſince we know he had preſented to him a Roll of 360 of the Chief of the Nobility and Barons, as ſuſpected of Hereſie, in which black Roll the firſt Man was the Earl of *Arran*. And tho' ſeveral Attempts were made to bring the Cardinal into Diſgrace (*e*), or at leaſt to deprive him of his large and unlimited

(*a*) Chartulary of *Dumfermling*. (*b*) Arch-Biſhop *Spotiſwood*'s Hiſtory of the Church of *Scotland*. (*c*) *Charta in publicis Archivis*. (*d*) *Ibidem*. (*e*) Saidlers Letters.

limited Power, yet they were all unſucceſsful; for no Mark or Evidence appears, that the King did ever leſſen his Affection to him to the Hour of his Death; on the contrary, it was by his Influence allenarly, that the King directed the Army to invade *England*, whereupon followed the diſmal Overthrow of the Army at *Solway-Moſs*, which broke his Heart, and occaſioned his Death.

UPON the Death of the King, the Cardinal did counterfeit a Will by the King, appointing himſelf and three other Nobles of his Party to be Governours of the young Queen and the Realm (*a*); but this Forgery and Artifice being ſoon detected, the Earl of *Arran*, notwithſtanding all the Struggle the Cardinal was able to make, was declared Governour, and the Cardinal impriſoned in the Caſtle of *Blackneſs*.

BUT the crafty Cardinal in a ſhort While eaſily found out Means, not only to procure his Liberty, but ſo artfully to embroil the Treaty of Peace and Marriage with *England*, that had been tranſacted by the Parliament during his Confinement, that they were at firſt refuſed from, and at length declared to be expired (*b*), and not to be kept on the Part of *Scotland*, upon the 11th of *December* 1543.

THE Cardinal having now all the Sway, that he might the more eaſily carry his Deſigns, and have the greater Authority in the Kingdom, the Arch-Biſhop of *Glaſgow* was laid aſide from being Lord Chancellor, and the Cardinal came in his Place (*c*), in a very haughty Manner: For both before and ſince that Time, when any Alteration was made in that high Office, the Record bears ſuch a Perſon to have been made Chancellor. But ſuch was the Pride and Ambition of the Cardinal, that it is entred in the Record of Parliament, "That my Lord "Cardinal has accepted the Office of "Chancellor in and upon him, at the "Deſire of my Lord Governor and "Lordis of Artikles; „ tho' I ſee he gave his Oath *de fideli*, upon the Delivery to him of the Great Seal, "lelelie and treulie to miniſter in the "ſaid Office, duiring the Tyme he "ſall happin to haif the famin. „ It was at this Time, and as I take it, the more to engage the Governour to his Intereſt, that he reſigned the Privy Seal, in Favours of the Abbot of *Paiſly*, the Governour's natural Brother, and afterwards the Cardinal's Succeſſor in the Archiepiſcopal See.

NOR did the Cardinal reſt ſatisfied with anulling the Treaties with *England*; but that he might be avenged on the Promoters of them, who were generally Favourers of the Reformation, he, under the Pretext of Zeal for Religion, and to gratify his perſecuting Spirit, prevails with the Governour to make a Propoſal in Parliament, for *exhorting* and *ordering* all the Prelates to perſecute the Hereticks.

UPON the Breach of the Treaties with *England* by the Cardinal's Means, both Nations prepare for War, for the King of *England* being very keen for the Performance of the Treaty, ſent a great Fleet and Army to invade *Scotland* both by Sea and Land, which on the 4th of *May* 1544 landed at *Grantham* two Miles above *Leith*; but upon the Sight of the *Engliſh* Troops the Cardinal ſuddenly fled, and ſheltered himſelf in the Caſtle of *Edinburgh*, from whence he got over to his own Caſtle of St. *Andrews*. Theſe Calamities under which the Country groan'd, and were all the Effects of the Cardinal's Devices, might be thought would have allayed ſomewhat of his rugged and perſecuting Temper; but it was quite otherways, for it rather increaſed his Malice, and inflamed him the more againſt every Body without Diſtinction, who ſeemed but to be diſpoſed for a Reformation in any one Point

(*a*) *Spotiſwood*, *Buchanan* and *Burnet*. (*b*) Records of Parliament. (*c*) *Ibidem*.

Point of Doctrine of the eſtabliſhed Religion: And therefore, reſolving to gratifie his Revenge by a bloody Sacrifice of all ſuch, he fell to work, and began to ſhew his Severity and Cruelty in a moſt grievous Manner; which occaſioned one *Fryer Spence*, *Robert Lamb*, *William Anderſon*, &c. to be convicted and executed for Hereticks, when their greateſt Crime was, the reading the New Teſtament in *Engliſh*. Theſe ſevere Proceedings made him generally abhorred; but that which moſt of all increaſed the Prejudice againſt him was, the Proſecution of that excellent Man and Holy Martyr Mr. *Wiſeheart* to the Stake; for his Death was looked on as no leſs than Murder, ſince the Clergy, without a Warrant from the ſecular Power, could diſpoſe of no Mans Life; ſo that it came univerſally to be ſaid (*a*), that the Cardinal now deſerved to die by the Law; yet ſince he was too great for a legal Trial, the Kingdom being under the feeble Government of a Regency, it was fit private Perſons ſhould Undertake it, and it was given out, That the killing an Uſurper was always eſteemed a commendable Action, and ſo in that State of Things, they thought Secret Practices might be juſtified. Tho' ſuch Reaſoning neither can, nor in any Caſe ought it to be juſtified by any ſober Man; yet this Way of Arguing agreeing too much with the Temper of the Nation at that Time, a few Gentlemen who had been ill uſed by the Cardinal, or at leaſt thought ſo, conſpired his Death; the Chief of whom were, the Maſter of *Rothes*, Sir *James Kirkcaldy* of *Grange*, and the Laird of *Balmeadie*. Theſe offended Gentlemen came to St. *Andrews* on the 28 of *May* 1546, and the next Morning they and their Attendants, being but twelve in all, firſt attempted the Gate of the Caſtle, which they found open, and made it ſure; but they knowing the Paſſages of the Houſe, went with very little Noiſe to the Servants Chambers, and turn'd them almoſt all out of Doors, and having thus made the Caſtle ſure, they came to the Cardinal's Door demanding Entrance: The Cardinal, who till then was faſt aſleep, ſuſpecting nothing, perceiving at laſt by their Rudeneſs, that they were not his Friends, made faſt his Door againſt them; but upon their calling for Fire, and threatning to burn him alive, he began to treat with them, and upon Aſſurance to do his Perſon no Harm, he opened the Door: But they ruſhing in with their Swords drawn, did moſt cruelly and treacherouſly murder him. Hereupon a Tumult was raiſed in the Town, and many of the Cardinal's Friends came to reſcue him, which obliged the Conſpirators to carry the dead Body and expoſe it to their View, in the ſame Window out of which he had not long before looked on when Mr. *Wiſeheart* was burnt, which had been univerſally cenſured as a moſt undecent Thing in a Churchman, to delight in ſuch a Spectacle. The Cardinal's Murder was differently cenſured, ſome juſtified it, and ſaid, It was only the killing a mighty Robber: Others that were glad he was out of the Way, yet condemned the Manner of it as treacherous and inhumane. 'Tis reported by a Reverend Hiſtorian (*b*), that few of the Aſſaſſins eſcaped an extraordinary Judgment, ſcarce any one of them dying a natural Death, GOD thereby declaring, Adds my learned Author, *That howſoever it pleaſeth Him in the Execution of his Judgments, to uſe ſometimes the Miniſtry and Service of Men; yet he doth not allow of their wicked Diſpoſition, and for the moſt Part faileth not to reward them with the ſame, or the like, that they have done to others.* This was the End of this ambitious Prelate, who liv'd in the higheſt Splendor; for it appears, that in his Retinue were many Lords, Knights and Gentlemen of Quality, even to an incredible Number: For,

(*a*) Biſhop *Burnets* Hiſtory of the Reformation of the Church of *England*. (*b*) A. B. *Spotiſwood*.

to support his Grandure, he had in his Hands at once the Arch-Bishoprick of St. *Andrews*, the Bishoprick of *Mirepoix*, the Dignity of Cardinal, Legate *a Latere*, Chancellor of *Scotland*, and the Abbacy of *Arbroath* in *commendam*. I shall conclude his Life with an Account of his Writings, and the Things that he hath extant are these,

De Legationibus suis, (*a*), or an Account of his Negotiations with the *French* King and the Pope. *Lib.* 1.

De Primatu Petri (*b*), of St. *Peter*'s Supremacy over the Rest of the Apostles. *Lib.* 1.

Epistolæ ad diversos (*c*), or a Collection of Speeches and Discourses spoken by him, upon different Occasions. *Lib.* 1.

George Earl of *Huntly*.

THIS illustrious Earl was the eldest Son of *John*, Master of *Huntly*, Son and Apparent Heir of *Alexander* Earl of *Huntly*, by *Jean* his Wife, natural Daughter of King *James* IV. and succeeded his Grandfather the old Earl, in the 10th Year of his Age, *Anno* 1523 (*d*). He was from his Childhood bred up with King *James* V. being much about an Age with his Majesty, by the particular Care of the Earl of *Angus*, when he was the prime Minister, who took him into his Tuition, got the Gift of his Ward, and had it in his View to have married him to one of his own Relations, had not the Earl's Fall prevented it. After this, by the King's own Command, the best Masters were provided to the young Earl of *Huntly*, and indeed he answered the Care taken of his Education so well, that he became one of the most polite Gentlemen of the Age he lived in. But not attaining to any publick Station till the 1535, we have nothing remarkable concerning him till that Time, when the King was pleased to call him to his Privy Council, and the next ensuing Year, when he went over to *France*, in Order to his Marriage with the Princess *Magdalen*, Daughter to *Francis* I. He was pleased to appoint him one of the Lords of the Regency (*e*), in whose Hands the Administration was lodged, during the King's Absence. The Confidence his Majesty plac'd in the Fidelity and Abilities of the Earl and his Colleagues, and the Powers they were entrusted with, will best appear from the Commission of Regency, which here follows.

"JACOBUS, DEI Gratia, "Rex *Scotorum*, universis & singu-"lis Leigeis & Subditis nostris, Cle-"ricis & Laicis, ad quorum notitias "præsentes Literæ pervenerint, sa-"lutem. Sciatis, quia pro nonnullis "magnis & arduis Causis Animi no-"stri ad hoc moventibus, fecimus, "constituimus, & ordinavimus, ac per "præsentes facimus, constituimus & "ordinamus reverendissimos in Chri-"sto Patres, *Jacobum*, Archiepisco-"pum Sancti *Andreæ*, totius Regni no-"stri Primatum, & Legatum natum, "*Gavinum*, Archiepiscopum *Glasgu-"ensem* Cancellarium nostrum, *Georgi-"um*, Comitem de *Huntly*, *Willielmum*, "Comitem de *Montrose*, *Hugonem*, "Comitem de *Eglinton*, *Robertum*, "Dominum *Maxwell*, nostrarum "Marchiarum occidentalium Guar-"dianum, nostros Vicemgerentes & "Locumtenentes totius Regni no-"stri infra omnes Partes & Bondas "ejusdem; dantes & concedentes, "dictis Vicegerentibus & Locum-"tenentibus, ac ipsorum quinque, "quatuor, seu tribus eorum con-"junctim, Cancellario semper præ-"sente, casu quo cæteri interesse non "poterint justo aliquo prædicti Im-"pedimento, nostram plenariam Po-"testatem, ac Mandatum speciale & "generale, omnes & singulos Leigios "& Subditos nostros infra prædictum "nostrum Regnum, ac omnes Partes "& Bondas ejusdem, durante no-"stra

(*a*) Mr. *Dempster*'s Ecclesiastical History. (*b*) *Ibidem*. (*c*) *Ibidem*. (*d*) History of the House of *Huntly* in My Custody, Manuscript. (*e*) Original Commission under the Great Seal, in the Publick Records.

" ſtra Voluntate, regendi, guber-
" nandi, & defendendi, ipſoſque ex-
" citandi ad Arma, quotiens expe-
" dire videbitur, pro Defenſione Reg-
" ni & Subditorum noſtrorum, &
" reſiſtendi contra quoſcunque In-
" imicos, & Rebelles & Tranſ-
" greſſores noſtras convocandi, &
" Juſtitiam exequendi; Statuta, Re-
" gulas, Proclamationes, & Ordina-
" tiones, pro bono Regimine Subdi-
" torum noſtrorum & Obſervatione
" Juſtitiæ condendi, faciendi & ſta-
" tuendi, ipſorumque violatores &
" in contrarium venientes, ac omnes
" & ſingulas Vicecomites, Guardia-
" nos, & alios Judices & Officiarios
" noſtros temporales, infra noſtrum
" Regnum in Executione ſuorum Of-
" ficiorum, ſeu alios Delinquentes
" corrigendi, caſtigandi, & pro quan-
" titate delictorum ſuorum, & ſe-
" cundum Juris exigentiam, puni-
" endi; Ambaſſiatores, Nuncios &
" Literas, a quibuſcunque exteris
" Regibus, Principibus, Civitatibus,
" & Liberis Gentibus, recipiendi, au-
" diendi, & reſpondendi; & ad e-
" oſdem Nuncios ac Literas pro no-
" bis & Nomine noſtro, prout iis
" pro Bono, Commodo, & Utilitate
" Regni ac Leigiorum noſtrorum ex-
" pedire videbitur; mittendi & de-
" ſtinandi Literas ſalvi conductus
" quibuſcunque Alienigenis cum *An-*
" *glia* quam aliarum Nationum con-
" cedendi: Dantes etiam & conce-
" dentes præfato noſtro Cancellario
" noſtram plenariam Poteſtatem &
" Mandatum ſpeciale, cum Conſen-
" ſu dictorum noſtrorum Vicege-
" rentium, aut duorum eorum, re-
" ſignationes Terrarum de nobis
" immediate tentum infra prædic-
" tum noſtrum Regnum, Nomine no-
" ſtro recipiendi & acceptandi, & per
" noſtras Chartas, Saſinas, & Literas
" patentes iterum donandi, ſuper
" Chartis inter dictos noſtros Leigios
" debite confectis, Confirmationeſque
" inter dictos Leigios noſtros debite
" confectas, ac regreſſus Literas dandi
" & concedendi, & ſecundum noſtri
" Cancellarii Formam expediendi;
" faciendi Compoſitiones, reſervatas
" noſtro Theſaurario aut aliis a nobis
" Poteſtatem habentibus, & generali-
" ter omnia alia & ſingula faciendi, u-
" tendi & exercendi quæ in præmiſſis,
" vel in præmiſſis ad Officium Vice-
" gerentium & Locumtenentium per-
" tinent & ſtatuent, & quæ de Jure &
" Conſuetudine noſtri Regni tenere &
" ſpectare dignoſcuntur, per ratum,
" gratum, firmumque ſtabile haben-
" dum & habiturum, in totum &
" quicquid dicti noſtri Vicegerentes
" & Locumtenentes, ac ipſorum
" quinque, quatuor, ſeu tres eorum
" conjunctim, præfato noſtro Can-
" cellario, ſemper, ut præmittitur,
" ſtante Caſu prædicto, præſentes
" committimus, rite duxerint faci-
" endum. Quare univerſis & ſingu-
" lis Leigiis & Subditis noſtris, & a-
" liis quorum intereſt & intereſſe po-
" terint, ſtricte præcipimus & man-
" damus, quatenus prædictis noſtris
" Vicegerentibus ac Locumtenenti-
" bus, ac ipſorum quinque, quatuor,
" tribus eorundem conjunctim, præ-
" nominato Cancellario noſtro ſem-
" per præſente, in omnibus & ſin-
" gulis ſuis Officiis Vicegerente &
" Locumtenente prompte reſponde-
" ant & pariant, & noſtro Nomi-
" ne cum omni Effectu intendant:
" Ac cum iis ad Executionem ſuo-
" rum Officiorum prædict. quoties
" opus fuerit, & per ipſos vel Offici-
" arios antedictos, ad hæc requiſiti
" fuerint & accedant, ſub omni Pœna
" quam erga noſtram Regiam Maje-
" ſtatem incurrere poterunt. In cu-
" jus Rei Teſtimonium, præſentibus
" Manu noſtra ſubſcripta magnum
" Sigillum noſtrum apponi præcepi-
" mus, apud *Strivelyng*, viceſimo no-
" no Die Menſis *Auguſti*, Anno mille-
" ſimo quingenteſimo, triceſimo ſexto,
" & Anno Regni noſtri viceſimo tertio.

UPON the King's Return the Earl of *Huntly* was conſtituted Lieutenant of the *North*, and his Majeſty having an entire Confidence in his Lordſhip's Fidelity, was pleaſed to make him Captain General of the Forces that were rais'd to oppoſe the *Engliſh*, under the Conduct of Sir *Robert Bowes*, whom he purſued ſo

cloſly, that he defeat the Party at *Haldenrig*, and took the *Engliſh* General Priſoner: Whereupon *Henry* VIII. of *England* ſent a far greater Force toward the Border, under the Command of the Duke of *Norfolk*: But the General the brave Earl of *Huntly*, by his Conduct and Dexterity, and by frequent Skirmiſhes with the Enemy ſo hemm'd them in (*a*), that they were never able to advance two Miles on this Side of the *Tweed*. Theſe Services endeared him exceedingly to King *James* his Uncle: So that by this Time he was look'd on as the firſt Favourite.

UPON the Death of the King in the End of the 1542, the Earl of *Huntly* was, by Act of Parliament, appointed one of the Lords of the Privy Council to the Earl of *Arran* the Governour (*b*), and afterward conſtituted Lord High-Chancellor of *Scotland* upon the Death of Cardinal *Bethune* (*c*) and had the Great Seal delivered to him in open Parliament on the 10th of *June* 1546. The Form and Manner of his Creation is thus entered in the Record.

"THE whilk Day, my Lord "Governore in Preſens of the Queenis "Grace and Lordis of Counſale, has "choſen *Gorge* Erle of *Huntlie* Chan-"cellar of the Realme of *Scotland*, "wha has accepit the ſaid Office in "and upon him, and has ſworne, "that he ſall leilely and treulie Min-"ſter in the ſaid Office after his "Wit, Cunyng and Knowlage, like "as outher Chancelluris has done, "and uſit the ſaid Office in Tymes "bigainis, and the Queinis Grace "and Lordis of Counſale, thought "him hable therfor; and in Signe and "Takin therof, my ſaid Lord Go-"vernor has, in Preſence of the Quee-"nis Grace and Lordis forſaids, de-"liverit to the ſaid Erle our Sove-"rane Ladyis Grete Sele, and has "ordainit the Kingis quarter Sele "whom GOD aſſolzie to be broken "off, the whilk that ane half was "cuttit and thauin cuttit in Pre-"ſens of the Queenis Grace and my "Lordis of Counſale.

AT the ſame Time, a new Privy Council were named to the Governour (*d*); of which Number the Lord Chancellor was one, who being a Nobleman highly eſteemed for his Conduct, Valour and other bright Qualities, was pitched on to command a Body of eight Thouſand Men at the Battle of *Pinky*, where tho' he behaved with admirable Courage and Magnanimity, yet he had the Misfortune to fall into the Enemies Hands (*e*), who carryed him ſtraight Priſoner to the Generals Camp at *Leith*, and preſented him to the Protector of *England*, the Duke of *Somerſet*. We are told by an Author of great Credit (*f*), that the Protector addreſs'd my Lord *Huntly*, that he would yet uſe his Influence to forward the Match betwixt the two young Sovereigns, and thereby to unite the two Realms: But tho' the Earl was their Priſoner, he was ſo far from diſſembling his Sentiments in the Matter, that he frankly told the Protector, *That he was ſtill of the ſame Mind he had been, that the Queen ſhould not be diſpoſed of in Marriage, till ſhe were of Years to give her own Conſent, and choice a Husband for her ſelf, at leaſt with Conſent of Parliament; and how well ſoever he ſhould approve of the Matth, Yet*, he ſaid, *he did not like the Way of the Wooing*. When the *Engliſh* Army marched away, they carried the Lord Chancellor along with them, firſt to *London*, and afterward ſent him Priſoner to the Caſtle of *Morpeth* (*g*); but in leſs than a Year thereafter, he found Means to deceive his Keepers, and by the Help of a dark Night, fleet Horſes, and a good Guide, he got ſo quickly over the Border into *Scotland*, that he was out of Danger of being re-taken before he was well miſs'd at *Morpeth*. Upon his Return, he entered directly

(*a*) Sir *Robert Gordon*'s Hiſtory of the Houſe of *Sutherland*, M. S. in the Cuſtody of the Earl of *Sutherland*, by whoſe Favour I had the Peruſal of it. (*b*) Records of Parliament. (*c*) Records of the Privy-Council in the publick Records of the Kingdom at *Edinburgh*. (*d*) *Ib.* (*e*) *Buchanan*, *Leſly* and Sir *Robert Gordon*'s Manuſcript of the Houſe of *Sutherland*, &c. (*f*) *Ibidem*. (*g*) *Leſly*.

rectly upon the Adminiſtration of the Chancellor's Place, and ſoon thereafter he accompanied the Queen-Dowager into *France*, whither ſhe went to viſit her Daughter and other Relations; where King *Francis* I. the more to honour the Earl, made him one of the Knights of the moſt Ancient and Noble Order of St. *Michael*, and about the ſame Time, he had a Grant of the Earldom of *Murray* (*a*), then in the Crown, by the Death of the Queen's natural Uncle, *James* Earl of *Murray*, and was Lieutenant of the North (*b*), where his Authority and Intereſt was without all Doubt very great. And I obſerve, that in the troubleſome Times that enſued, the Lord Chancellor kept up his Reputation and Eſteem, and was courted by both Parties without joining much with either of them, which ſays one, *Argued him to be a Nobleman of very conſummated Parts and Abilities.*

When the Queen-Dowager was made Regent upon the Demiſſion of the Duke of *Chatterault*, ſhe took the Great Seal from the Earl of *Huntly* and gave it to one Monſieur *Reubie* a *French* Advocate (*c*), and left him only the Name of Chancellor (*d*); yet this arbitrary Procedure did not provoke him to deſert her, ſince ſhe was veſted with a lawful Authority from his Soveraign her Daughter: For when Things were like to come to extremities by her Male-adminiſtration, ſhe employed him to quiet the Commotions in the Country (*e*), which he did, when a Flame was juſt ready to break out: But tho' the Lord Chancellor ſtill continued a Papiſt, yet it appears, he was as weary as any Nobleman in the Nation of the Miſbehaviour of the *French*, and the ill Uſage the Country met with from them, and thereupon his Lordſhip entered into a Bond of Aſſociation with the Duke of *Chatleraults*, and by far the greater Part of the Nobility, *For driving out thoſe Oppreſſors*, as they call them, *and for recovering their ancient Liberties, that ſo they might be rul'd by the Laws and Cuſtoms of their own Country, and by the Natives of the Kingdom under the Obedience of the King and Queen their Sovereign* (*f*). This ſhews, that Religion was not at firſt pretended to be the Cauſe of the War againſt the Queen-Regent; but upon a continued Courſe of illegal Adminiſtration they charged her with, and for which ſhe was afterward deprived of the Regency, which broke her Heart and haſtned her Death as was thought.

Upon the Queen's Return from *France Anno* 1561, her Majeſtie was pleaſed to give the Earl of *Huntly* Lord Chancellor back the Great-Seal, but did not, as a Reverend Hiſtorian, through Miſtake, ſays, anew *Create him Chancellor*; for it appears plainly, that tho' he wanted the Great-Seal, yet he was never outed of the Office, but retained the Name all the While that Monſieur *Reubie* was Lord Keeper, but this Honour did not give him more Content, then the taking from him the Earldom of *Murray* diſguſted him, I won't ſay at the Queen, but at her natural Brother the Prior of St. *Andrews*, who got it, and was created Earl of *Murray*, between whom there was ever after ſuch an implacable Animoſity as was ſcarce extinguiſhed by Death.

The Lord Chanceſſor being the Head of the Popiſh Party in the Kingdom, the Queen's Kindred by her Mother the Houſe of *Guiſe*, had great Expectations from him as the only Perſon they thought able to reſtore the Popiſh Religion, and the more to animate him to undertake it, they put him in Hopes, that the Queen would Marry Sir *John Gordon* of *Findlater* his ſecond Son. Whether the Queen had ever any ſuch Imagination does not appear; but that the Earl had form'd ſuch a Project no Body doubts of it, tho' I believe he never intended to croſs the

(*a*) *Charta in publicis Archivis.* (*b*) Records of the Parliament of 1546. (*c*) Biſhop *Leſly*'s Hiſtory of *Scotland*. (*d*) Biſhop *Burnets* Hiſtory of the Reformation in *England* Vol. III. (*e*) *Ibidem*. (*f*) The original Bond is ſtill remaining in the Poſſeſſion of his Grace the Duke of *Hamilton*.

Queen in the Matter, or Force her to it, as his Enemies gave out, againſt her Will; ſince without all Queſtion, it was in his Power oftner than once to have diſperſed or diſpatched ſuch of her Attendants as were not favourable to his Deſign, if he had intended to have gone that Way to work: For the Queen deſiring to take a View of the Northern Parts of the Nation about the middle of *Auguſt* 1562 came to *Aberdeen*, where ſhe was met by the Counteſs of *Huntly*, a Lady of a noble Spirit, and of a very obliging Temper; Her ſecond Son Sir *John Gordon* had been committed to Priſon for wounding the Lord *Ogilvie* upon the Street of *Edinburgh*, but having made his Eſcape, he was declared Fugitive, wherefore the Counteſs his Mother humbly begged her Majeſty would forgive her Son the Overſight he had committed, and allow him the Honour to come into her Preſence and kiſs her Hands; but the Queen told the Counteſs, that it did not conſiſt with her Honour to admit him to her Preſence, till ſuch Time as he ſhould re-enter himſelf into Priſon, which ſhe promiſed he ſhould do, but only begged that the Place of his Impriſonment ſhould be the Caſtle of *Stirling*, which the Queen having granted, my Lord *Glamis* was appointed to convoy him thither; but when he came the Length of the Lord *Glamis*'s Houſe, he ſuddenly altered his Reſolution, and haſtn'd back to the North, for which the Queen was highly incenſed againſt him: In the mean Time in the Proſecution of her Journey Northward from *Aberdeen*, ſhe lodged the firſt Night at the Laird of *Balquhain*'s Houſe, the next Day ſhe came to *Rothiemay*, intending the Morrow thereafter to be at the Earl's Houſe of *Strathbogy*, now called *Caſtle-Gordon*, where ſhe had been invited, and great Preparations made for her Reception. The Earl now himſelf attending on the Queen, earneſtly beſought her Majeſty, to pardon his Son Sir *John*: But the Queen continuing inexorable in that Point, and his Lordſhip having preſſed her Majeſty to go to his Houſe more ſolicitouſly than what ſhe thought was altogether decent, turn'd aſide another Way, and continued on her Progreſs till ſhe came to *Inverneſs*, reſolving to lodge in her own Houſe the Caſtle there: But the Queen being, to her great Surprize, denied Acceſs by the Earl's Deputy-Governour, one Mr. *Gordon*, ſhe began to ſuſpect the Earl had other Deſigns, than ſhe was willing formerly to give Credit to: Upon this a Rumour aroſe, and the Queen ſeems to have ſuſpected it herſelf, that the Earl had a Deſign to ſeize upon her Perſon: Whereupon a Proclamation was iſſued out, ſetting forth the Danger her Majeſty was in, and commanding all her Loyal Subjects in thoſe Parts, immediately to come to her Aſſiſtance: Upon which the *Mackenzies*, *Monroes*, *Fraſers*, *Mackintoſhes* and others, repaired to her Majeſty: And being thus ſtrengthened, ſhe cauſed lay Siege to the Caſtle of *Inverneſs*, which was eaſily taken, and the Captain for his Rebellion and Obſtinacy was inſtantly hanged: But the Queen of her great and innate Clemency ſpared the Lives of all the common Soldiers. After her Majeſty had ſtaid three or four Days at *Inverneſs*, ſhe returned to *Aberdeen*, where the Counteſs of *Huntly* came again to wait upon her: But ſhe was refuſed Acceſs, and the Queen being ſtill apprehenſive of Danger: Hereupon a ſecond Proclamation was publiſhed, commanding all the fencible Men, ſuch as could bear Arms in thoſe Parts to attend her Majeſty at *Aberdeen*, and to be ready to march whither they ſhould be directed. The Earl being advertiſed of thoſe Preparations againſt him, and well knowing, that ſo long as his Rival the Earl of *Murray* had any Credit with her Majeſty, he ſhould never be able to accompliſh his Deſigns, and finding he had gone ſo far as there was no Place left for him to recede, he reſolved to make one bold Stroke for all, and ſeize upon the Queen's

Queen's Perſon, never doubting, but that upon a fair Repreſentation of his Caſe, he might yet recover her Majeſty's Favour, or at leaſt procure an Indemnity for all that was paſt; and being accompanied with about 1500 Men, he marched toward *Aberdeen*, and probably had been Maſter of the Town, with very little or no Reſiſtance, had not the Letters his Friends had writ him been intercepted that Morning, which gave the other Party a perfect Account of his Strength and Progreſs; but the Earl knowing Nothing of the Diſcovery, and thinking he had a ſure Game in his Hands, marched forward toward *Aberdeen*, where the Queen ſtill remain'd. The Earl of *Murray* who was his Enemy, and glad of any Opportunity to deſtroy him, thought this a favourable Opportunity to be for ever rid of ſo powerful an Adverſary: And therefore, with a ſmall Body of reſolute Men as the Queen's Lieutenant, he marched againſt the Earl; both Parties met at a Place called *Corrichie*, on the Eaſt-Side of the Hill of *Fair*, fourteen Miles Weſt of *Aberdeen*, where they had a hot Bout of it, but in the End the Earl of *Huntly*'s Party were defeat, and himſelf taken Priſoner; and being an aged corpulent Man, what with Grief, and what with the Crowd and Preſs of thoſe that were about him, he ſtiffled and expired in their Hands, on the 28th of *October* 1562 (*a*). The ſame Evening the Earl's dead Body was carried to *Aberdeen*, with two of his Sons, Sir *John* and Mr. *Adam*; but the youngeſt being only a Boy was pardoned, but Sir *John* was the next Day executed, *with much Commiſeration of the Spectators*, ſays my Author, *being a young Man in the Prime of his Years, adorned in Body and Mind with all the Gifts of Nature; and that which excited no leſs Indignation than Compaſſion, he was cruelly mangled by an unskilful Executioner.*

WHAT followed upon the Earl's Death not being ſo fully ſet forth in the common Hiſtorians, I ſhall endeavour to ſupply that Defect from the Publick Records, in the beſt Manner I can. The Earl's Body was carried from *Aberdeen* to *Edinburgh*, and an Indictment of high Treaſon was exhibited againſt him before the Parliament, *efter that he was deid and departit fra this mortal Lyfe* (*b*), wherein he was accuſed of the treaſonable Conſpiracy "accordit, "appointit, concludit and conve-"nit, betuixt the ſaid umquhyle "Erle, *George*, his eldeſt Son, um-"quhyle *John Gordon* of *Deskford* "Knight, his ſecond Son, and their "Complices, the penult Day of *Auguſt* "1562 in the Brugh of *Aberdeen*; de-"viſing, that on the Morne theraſter, "the ſaid Umquhyle *John* with an "great Number of armed Men ſuld "have enter'd within our Soveraign "Ladyis Ludgin for the Time with-"in the ſaid Brugh, and there de-"ſyrit ſum Things of her Highneſs "as was not laufull, and gif that her "Grace refuſit the ſamin, to put vio-"lent Hands on her Perſon, and leid "her whair they pleſit, and further to "have ſlain the Lordis of Secrete "Counſale, and all uythers abil to "reſiſt the ſaid wickit Interpryſe.

"AND ſicklyke, albeit the ſaid "Umquhyle *George* Erle of *Huntlie*, "was upon the XIII. Day of the ſaid "Month of *Auguſt*, commandit be "*David Ramſay* Meſſenger, be Ver-"tue of our ſaid Soveraigns Letters, "to have cumin to the ſaid Brugh "of *Aberdeen*, accumpanit onlye with "ane hundert Perſonis under the "Pain of Treſoune: Nevertheleſs, "he came to the ſaid Brugh at the "ſaid Tyme, accumpanit with five-"tein hunderet Men, to the Effect "he might perform his wickit Pur-"pos forſaid, and in Occultation "and Celation of the Premiſſis.

"AND ſicklyke, in the treſouna-"ble Conſpiracie, Arte Parte and

(*a*) Sir *Robert Gordon*'s Hiſtory of the Houſe of *Sutherland*, Manuſcript, *penes me.* (*b*) So ſays the Record of the Reduction of his Forfaulture, in 1567.

" Aſſiſtance, Counſale precogitat,
" imaginit, and devyſit in *Strathbolgie*,
" and counſaling thereof upon the
" third of *September* the ſaid Year,
" That is to ſay, becauſe the Purpois
" devyſit at *Aberden* culd not be per-
" formit as than thai concludit, to
" put violent Hands in our ſaid
" Soverane and her Counſalers, and
" utheris, her Servandis and Aſſiſters
" being with her for the Time, whair-
" ever Opportunitie might ſerve, and
" ſpaciale in the Toun of *Innernes*.
" And in devyſing of ſundry wickit
" Perſonis Men of Armes, to con-
" vene and cum to the ſaid Brugh
" of *Innerneſs* for performing of their
" ſaid wickit Intent. And in the tre-
" ſonable uith halding of the Caſtel
" of *Innerneſs*, and in the treſonable Aſ-
" ſiſtance given to the Keepers therof
" agains our ſaid Soveranes Com-
" mand. And for the treſonable um-
" beſſeting of her Highneſs gaitt in
" her paſſing fra *Innerneſs* to *Craig-*
" *Aboyne*. And for the treſonable
" Aſſiſtance and Counſale given to
" the ſaid Umquhyle *John Gordon*,
" and the Perſonis being in the For-
" talices and Caſtelis of *Findlater* and
" *Achindoun*, and in the treſonable
" with halding therof contrar our
" ſaid Soveranes Command. And
" in the treſonable Aſſiſtance given
" to the ſaid Umquhyle *John* in the
" Slaughter of her Hieniſs Suldiers
" and Men of Ueir upon the ſiveteen
" of *October* the ſaid Year. And in
" the treſonable convening of ane
" greit Number of Men bodin in
" feir of Weir upon the tuentie ſe-
" cond Day of the ſaid Month of
" *October*, and cumand fra the Landis
" of *Strathbolgy* fordward toward
" *Aberdeen*, whair our ſaid Soverane
" was for the Time, continuand in
" his wickit and treſonable Inter-
" pryſis forſaids, and myndit to per-
" forme the ſamine. And in the
" treſonable aſſiſting, and Battle giv-
" ing agains our ſaid Soveranes Liv-
" tenant and faithful Leigis, havend
" her Commiſſion and Banner diſ-
" playit in the ſaid Month of *Octo-*
" *ber* forſaid.

By the Influence of a certain great Lord, who had a Mind to deſtroy the Family of *Huntly* by the Ceremony of a Trial, the deceaſs'd Earl was by a Verdict of Parliament found Guilty of High Treaſon, " In
" all and haill the Points and Ar-
" tikles above writen, and that he
" had thairthrou forfaltit all his Lan-
" dis, Heritagis and Guids, Mova-
" ble and Immovable for ever, de-
" cerning therfore his Dignity, Name
" and Memorie to be extinct, and
" his Armes, to be cancellit, deletit,
" and put furth of the Buik of
" Armes, and his Poſterity to be fra
" thencefurth unhable to bruik Of-
" fices, Honors and Dignitie within
" this Realm." But the Queen was afterward graciouſly pleaſed by Act of Parliament on the 18th of *April* 1567 (*a*) to reverſe the Earl's Forfaulture, " and decernis, and de-
" clairs the ſamin with all that fo-
" louit thereupon, to be in all Tyme
" cuming null and of nane availl
" Force nor Effect, and the Memo-
" rie, Name, Dignitie, Honor and
" Armes of the ſaid *George* Earl of
" *Huntlie* to be reſtorit, and reſtoris
" the ſamin to the Ancient Eſtait
" as they uer before the leding, de-
" ducing and giving of the ſaid Doom
" of Forfalter foirſaid. And ſicklyke
" his Poſterity and Liniage foreſaid
" to be reſtorit, and reſtoris them
" to their ancient Honors, Fame
" and Dignity, and makes them a-
" bil to bruik Offices, Honors and
" Dignity within this Realm, alſe
" frelie as thai might haif done be-
" fore the giving of the ſaid Decrete
" of Forfalter forſaid.

The Children the Earl had by his Wife, the Lady *Elizabeth Keith*, a Daughter of the Illuſtrious Houſe of the Earl *Mariſhal*, who by the Act are reſtored. Were,

George, then Earl of *Huntly*.

Mr. *James*, who entred into the Order of the *Jeſuits*, and died at *Paris* in 1620 very aged.

Sir *Adam Gordon* of *Achindoun* Knight, who died without Iſſue in the Year 1580.

Sir

(*a*) Records of Parliament.

Sir *Patrick Gordon* of *Achindoun*, who was ſlain at the Fight of *Glenlivet* (*a*), the 3d of *October* 1594.

Mr. *Robert*.

Mr. *Thomas*.

Margaret, at this Time, the Wife of *John* Maſter of *Forbes*.

Jean, then the Wife of *James* Earl of *Bothwell* from whom ſhe was divorced to make Way for that Earl's unhappy Marriage with Queen *Mary*. She afterward married *Alexander* Earl of *Sutherland*, and laſt of all became the Wife of *Alexander Ogilvie* of *Boyne*.

UPON the Death of the Earl of *Huntly*, The Earl of *Morton* was made Lord Chancellor, from which he was very ſoon thereafter removed, for being Acceſſary to the foul Murder of *David Rizio* the Queen's *French* Secretary, whereupon the Chancellor's Place was given to the young Earl of *Huntly*, the Son of the former Earl, whoſe Life I ſhall here inſert before the Earl of *Morton*'s, who ſucceeded him again in the Office. That I may the better keep the Connection and the Threed of the Hiſtory, as well as the Succeſſion of the Lords Chancellors the more clear and diſtinct.

George Earl of *Huntly*.

THIS Earl was the Son of *George*, the fourth Earl of *Huntly*, by the Lady *Elizabeth Keith* his Wife aforeſaid; being at firſt a younger Brother, the greater Care was taken of his Education, to breed him with a Proſpect of engaging in the Service of the Church, as was the Cuſtom in this noble Family, as well as moſt others in the Kingdom at that Time, to breed a ſecond Son that Way; but his elder Brother dying without any Heirs of his Body, he was quickly thereafter married to the Duke of *Chatlerault*'s Daughter, the Lady *Anne Hamilton*, that he might raiſe up Heirs to his illuſtrious Family, and that while he was but very young. I have met with Nothing concerning the Lord *Gordon*, till after the unhappy Affair of *Corrichie*, that he fled for Protection to the Duke of *Chatlerault* his Father-in-Law: But tho' his Grace the Duke uſed his outmoſt Endeavours to make his Peace with the Queen, yet the Power of his Enemies was ſo predominant, that not only no Favour could be procured for him, but the Duke was obliged to deliver him up, whereupon he was ſent Priſoner to the Caſtle of *Dunbar* (*b*), his Perſecutors having the Earl now in their Power, reſolved he ſhould be cut off in a ſeeming Way of Juſtice; and that they might deſtroy him with the greater Ceremony, he was brought to *Edinburgh*, and on the 8th of *February* 1563 (*c*), indicted of high Treaſon before the Juſticiary, "For the concealing of "the treſonable Conſpiracy, Con-"ſultation, Deviſing and Deliberati-"on comovit and ſpokin in his Pre-"ſens, upon the penult Day of *Au-"guſt*, 1562 Years, in the Toun of "old *Aberdeen*, be Umquhyle *George* "Earl of *Huntlie* his Fader, Um-"quhyle Sir *John Gordon* of *Deskford* "Knight his Bruther, and utheris "in the ſaid Umquhyle Erles Lud-"gin in *Aberdeen*, whair it was de-"vyſit, That on the Morne ther-"after, the ſaid Umquhyle Sir *John* "ſuld haif cumin to the ſaid Ludgin "within the ſaid Brugh of old *Aber-"deen*, and therin haif enterit perforce, "and after Occaſſion ſought be them "to haif taken our Soverains Perſon, "ditinit the ſamin in ſic Place and "Maner as they thought expedient, "and to haif tane her Hienes Lordis "of Secrete Counſale and Seſſion, "and utheris being with her in "Cumpany for the Tyme, they ac-"tualie beand awaitand upon her "Perſon, and to have ſlain thame "all that uald not furder their Pro-"ceding: And in the treſſonable "Conſpiracy devyſit with the ſaid

"Um-

(*a*) Sir *Robert Gordon*'s Hiſtory of the Houſe of *Sutherland*. M. S. (*b*) Arch-Biſhop *Spotiſwood*'s Church Hiſtory. (*c*) Records of Parliament, *Buchanan*, *Spotiſwood*. And Sir *Robert Gordon*'s Manuſcript of the Families of *Huntly* and *Sutherland*.

" Umquhyle Sir *John* at the Uatter-
" ſide near the Place of *Straithbogie*
" the ferd Day of *September* the Year
" of GOD 1562 Years, of the Pur-
" pois after folouing, *viz.* The ſaid
" Umquhyle Sir *John* ſuld gar the
" Brute paſs, that he was to gang
" to Uard in *Stirryling*, and it was
" needful to him to be connoyit:
" And therfore, that the ſaid Um-
" quhye Erle, and the ſaid Lord
" *Gordon* ſuld ſend ſpecial Command
" to their Men of *Badzenoth* as they
" did, to avait upon the ſaid Sir
" *John*, and to paſs uith him uhair-
" ever he requeirit thame; and the
" ſaid Sir *John* accumpanit uith the
" ſaid Men of *Badzenoth*, and utheris
" broken Men to the Number of an
" Thouſand Men, ſuld upon the
" *Fryday* theraſter in the Night, uhen
" our ſaid Soveraine and her Cum-
" pany uas in the Toun of *Inerneſs*,
" have treſſonablie invadit and put
" Handis in her Perſon, and ſic-
" like in the Perſonis of the Lordis
" of Secrete Counſale and Seſſion,
" and utheris beeing uith her High-
" neſs at the Time, and to have ſlain
" and utheruays demainit her and
" them as they thought gudde; and
" alſua, in devyſing that the ſaid
" Lord and his ſaid Umquhyle Fa-
" der ſuld adreſs them to the Caſtel
" of *Innerneſs* uith their Servandis
" and Friends, to avait upon the
" ſaid Umquhyle Sir *John*'s cuming
" uith his Cumpanye, and to eſpye
" the Places uhair our ſaid Sove-
" rane her ſaids Lordis and Cum-
" panye were lugit, and to haif
" bene in reddynes to forteſie and
" aſſiſt the performing of the ſaid
" Interpryſe, for amplifieng and per-
" forming of the uhilk, the ſaid Earl,
" upon the ſaid *Fryday* the XI Day
" of *September* forſaid, come to
" *Strawdon* uith aucht Scoir of Horſ-
" men, and thare tareet all Night
" upon the cuming of his ſaid Bro-
" ther, ſendand in ſundry Parties
" Eſpyis to the ſaid Toun of *Inner-*
" *neſs*, to perſave and eſpye uhat
" our ſaid Soverane and her ſaids
" Lordis nar doand, and ſua did all
" that uas in him to performe the
" ſaid wickit Interpryſe, uar not the
" Purpois failziet upon the Parte of
" the ſaid Sir *John* and his Foks.
" And in the treſſonable comanding
" alloung and ratifieng the treſſo-
" nable halding and furniſhing the
" Houſe and Fortalice of *Innerneſs*
" agains the Queen's Majeſtie, the
" famin pertaining to her; the ſaid
" Erle being only Keeper therof in
" her Name, eſter that his Servandis
" beeing theirintil, for uhom he is ob-
" lift to anſwer, uar diverſe Tymes
" chargit to have deliverit the ſaid
" Houſe and Fortalice, and to have
" made the famin patent to her
" Hienes, to haif ludgit thairin, and
" and after charge given to that Ef-
" fect by *William Boyſon* Meſſenger,
" at Comand of her Letters after
" ſound of Trumpet, and in the In-
" tercomuning uith the Erle of *Both-*
" *well*, eſter the breking of his Ward
" uhair he uas within the Caſtel of
" *Edinburgh*, deſiring the ſaid Erle
" to rais Men to ſerve the ſaid Erle
" of *Huntly*, and to by Horſe and
" to furniſh him, and to cum and
" ſpeik with the ſaid Umquhyle Earl.

But tho' the Earl of *Huntly* had neither been ſummoned nor indicted, till the very Day he was brought upon his Trial (*a*): Yet a Jury well prepared for the Purpoſe, without hearing what he had to ſay for himſelf, found him guilty of high Treaſon: Whereupon Sentence of Death was paſſed upon him, " That he ſuld
" be hangit whill he war deid,
" drawn, quarterit and demainit as
" an Trator, at our Soverains Ple-
" ſore, and that all his Guids move-
" able and immoveable, Landis, He-
" ritagis, Poſſeſſions, Takkis, Ste-
" dingis, Offices, Cornis, Cattle,
" Actions and Debtis auct and ſuld
" pertene to our ſaid Soverane, and
" to be applyit to her Uſe, be Reſ-
" ſoun of Eſchete of Forfaltor. But
no Day being appointed for the Earl's

(*a*) Reaſons of the Reduction of his Forfaulture in Parliament 1567.

Earl's Execution, he was ſent back Priſoner to *Dunbar*, there to remain till the Queen's Pleaſure ſhould be further known: But Nothing being found againſt him, but an Intention which took no Effect, her Majeſty never thought to put him to Death upon ſuch an Account; tho' his Enemies now believed they had compaſſed his Deſtruction. A Perſon of great Judgment and Integrity, the learned Mr. *Gordon* of *Straloch*, tells us this memorable Story, That ſome Time after the Earl was condemned, a Warrant was ſurreptitiouſly obtained from the Queen, and of which ſhe was altogether ignorant (*a*), directed to the Governour of *Dunbar*, the Laird of *Craigmillar* (*b*) ordering him immediately to cauſe execute the Sentence of Death upon the Earl of *Huntly*, and to take off his Head. The Governour, who was exceedingly ſurpriſed at the Order, inſtantly communicated it to the Earl himſelf; the diſmal News did not at all diſcompoſe him, but with great Temper he told the Governour, "That he knew well e-"nough by whoſe Means, and after "what a Manner ſuch an Order "had been obtained, and that the "Queen had doubtleſs been impo-"ſed on, ſince he was very well aſ-"ſured of her Majeſty's Favour, "and that ſhe would never deliver "him up to the Rage of his Ene-"mies; and therefore begg'd that he "would do him the Favour to go to "the Queen, and receive the Order "out of her own Mouth, before he "would proceed any further: The Governour did ſo, rode Poſt to *Holy-rood-houſe*, where the Queen then remained; and tho' it was late and ſomewhat unſeaſonable when he arrived at the Court, he preſently demanded Acceſs to her Majeſty, having an Affair to impart to her of the greateſt Conſequence: Whereupon he was inſtantly admitted into the Queen's Bed-Chamber. Her Majeſty was not a little ſurpriſed at the Sight of the Captain, and demanding what was the Matter? *He told her he had come to acquaint her Majeſty, that he had obeyed her Commands.* What Commands from me ſays ſhe? *The beheading of the Earl of Huntly, replies he.* Upon this, the Queen fell into a great Paſſion, began to cry bitterly, proteſting, with the moſt ſolemn Aſſeverations, that ſhe had never given, nor known of any ſuch Order: Whereupon, the Governour to pacify and quiet the Queen, told her Majeſty, *That it was very lucky, that he had not execute the Order, that the Earl was ſtill alive and well, and begged to know her Majeſty's Commands, how he ſhould behave for the Future toward his Priſoner.* The Queen overjoyed to hear he was alive, told the Governour, *ſhe thanked him for what he had done in the Matter, acknowledged Nothing could have been a Piece of more acceptable Service to her, and now, that ſhe had a full Confidence in his Fidelity, bid him take Care of the Earl, But ſee that for any Charge that could come from her, that he neither deliver him up, nor execute any Sentence on him, unleſs ſhe commanded him out of her own Mouth.* This Paſſage either our Hiſtorians have not known, or have not thought fit to publiſh, I have ſet down upon the Authority of the learned Gentleman I cite for my Voucher, who tells us, he had it from his Father the Laird of *Pitlurg*, who lived at the Time, and was the Earl's great Confident and Truſtee.

It was not long after this, the Earl was reſtored to his Liberty, and quickly recovered ſo much Grace and Favour, that her Majeſty was pleaſed to make him Lord High Chancellor of the Kingdom, upon the Removal of the Earl of *Morton* from the Office, 20th of *March* 1565 (*c*); tho' the Act of his Forfaulture was not reverſed till the 1567. He continued in the Chancellor's Place,

(*a*) It was, ſays my Author, the Earl of *Murray* who procur'd the Warrant. (*b*) Records of the Council in the Earl of *Haddingtoun*'s Collect. M. S. in the Lawyers Library. (*c*) *Charta in pub. Arch.*

till the Queen resigned the Government, that the Regent the Earl of *Murray* made his good Friend the Earl of *Morton* Chancellor, in Place of the Earl of *Huntly*; yet he so far at first concurred in that new Settlement, that he signed a Bond to acknowledge the young King's Authority (*a*), and carried the Scepter at the Solemnity of the Regent's first Parliament (*b*), which was held at *Edinburgh*, 5th of *December* 1567: But afterward, when the Queen declared she had been forced to make the Resignation of the Crown, the Earl adhered to her Interest with great Firmness and Fidelity, of which her Majesty was so perfectly satisfied, that she was pleased to appoint his Lordship one of the Lords of the Regency, who were empowered to manage the Affairs of the Kingdom, in her Name, and by her Authority, during her Absence, while she remained in *England*, his Colleagues being the Duke of *Chatlerault*, and the Earl of *Argyle*. When the Civil War began, the Earl was constituted the Queen's Lieutenant, and General of all the Forces raised, or to be raised in the *North* for her Interest; and his Lordship being a Person of great Honour and Fortune, quickly engaged many in those Parts, into a cheerful Association for her Service, and raised a considerable Body of Horse and Foot, which gave the other Party who adhered to the young King, great Trouble and Vexation, throughout the whole Course of the War: But the King's Party being strongly supported by the Queen of *England*, and supplied with fresh Succours from thence, from Time to Time, the Earl and the Commendator of *Arbroath* Lord *John Hamilton*, as the Heads of Queen *Mary*'s Party, in the 1573, were necessitated to come to Terms of Peace and Accomodation with the Earl of *Morton* the Regent (*b*), on these Conditions.

I. "That all Persons comprehended in the present Pacification "should acknowledge and profess the "true Religion, established and pro- "fess'd within the Realm, and "maintain the Preachers and Pro- "fessors thereof, against all Oppo- "sers; especially against the Con- "federacy of the Council of *Trent*.

II. "That the Earl of *Huntly* and "Lord *John Hamilton* with their "Friends and Followers should sub- "mit themselves to the King and to "the Government of the Earl of "*Morton* his Regent, and his Succes- "sors in the same, acknowledging "themselves the King's Subjects, by "their Oaths and Subscriptions.

III. "That they should confess all "Things done by them, under Co- "lour of any other Authority, since "the Time of his Majesty's Corona- "tion, to have been unlawful, and "of no Force nor Effect.

IV. "That an Act of Parliament "should be made with all their Con- "sents, ordaining, That none of "the Subjects shall assist, fortify, "supply, or shew any Favour di- "rectly or indirectly, to those who "should happen to practise a- "gainst the Religion presently pro- "fess'd, the King's Person, his Au- "thority, or Regent; and if they "should be trayed to do any Thing "to the contrary, the Remissions "granted to them with all other Be- "nefits of the Pacification should be "null, and they pursued for their "Offences past, as if they had ne- "ver obtained Pardon for the same.

V. "That all Persons professing "his Highness Obedience, who had "been dispossessed during the late "Troubles, should be reponed to "their Houses, Lands, Livings, Be- "nefices, and whatsoever Goods be- "longing to them, if so the same "were extant in the Hands of the "Intrometters, Horses and Arms "only excepted.

VI. "That the Master of *Forbes*, "*James Glen* of *Bar*, and all other "Persons shall be set at Liberty: "As likewise the Bonds given by the "Lord *Semple* and others, for Entry of

(*a*) Original Bond still preserved in the Library of the University of *Glasgow*. (*b*) Records of the Privy-Council in the Signet-Office at *Edinburgh*, and Arch-Bishop *Spotiswood*. (*c*) *Ibidem*.

" of Priſoners, or for Payment of a-
" ny Ranſoms be diſcharged.

VII. " That the Earl of *Huntly*
" and Lord *John Hamilton* ſhould
" dimit, and cauſe all Soldiers hired
" or maintained by them, or any of
" their Party, be forthwith dimitted.

VIII. " That all Proceſſes of For-
" faulture, which had been led againſt
" the Earl of *Huntly*, Lord *John Ha-*
" *milton*, or Lord *Claud* his Brother,
" *William* Biſhop of *Aberdeen*, *Alex-*
" *ander* Biſhop of *Galloway*, *Adam*
" *Gordon* of *Athindoun*, and the reſt
" of their Friends, for any Crimes
" or Offences done in the common
" Cauſe againſt the King and his Au-
" thority, ſince the 15th of *June*
" 1567, or for any other Cauſe con-
" tained in the Summons of For-
" faulture raiſed againſt them, ſhall
" be declared null and of no Force,
" without any other ſpecial Declara-
" tion; and that the foreſaid Per-
" ſons ſhall have Liberty given them
" to reduce the ſaid Forfaultures, as
" they ſhould pleaſe.

IX. " That all Perſons then re-
" turning, or who ſhould return to
" the King's Obedience, and for any
" Crime committed in the ſaid com-
" mon Cauſe, ſince the Time afore-
" ſaid, had been diſpoſſeſſed of their
" Lands, Heritages, Benefices, Pen-
" ſions, heritable Offices, and other
" Profits whatſomever, whether the
" ſame had proceeded upon Sentence
" of Forfaulture, or Barratry, or a-
" ny other Way, ſhould be effectu-
" ally reſtored, and be re-habilita-
" ted to their Blood and Honours,
" to the End they might enjoy the
" ſame, as freely, as if the ſaid
" Troubles had never happened.

X. " That all Actions, Crimes
" and Tranſgreſſions committed by
" them or their Followers ſince the
" 15th of *June* 1567, (Inceſt,
" Witchcraft and Theft excepted)
" ſhould be freely remitted, ſo as the
" ſame did not extend to the Mur-
" ther of the firſt and ſecond Re-
" gents, which are Matters of ſuch
" Importance, as the Regent now
" in Place would not meddle with;
" and yet in Reſpect of the preſent
" Pacification, if the ſame be mo-
" ved to the Queen of *England* by
" the Committers thereof whatſo-
" ever, ſhe ſhould adviſe to be done
" therein, ſhall be confirmed in Par-
" liament, and the Remiſſion under
" the Hand of the Clerk of the Re-
" giſter be as ſufficient, as if the
" ſame were paſſed the Great Seal;
" and if any of them ſhould crave a
" Pardon of other Crimes commit-
" ted before the ſaid 15th Day, the
" ſame (upon Notice given of the
" Perſon and Crimes) ſhould be
" granted; the Murther of the King's
" Father, Fire-raiſing, Theft, and the
" Reſet of Theft, with Inceſt and
" Witchcraft excepted.

XI. " That all Civil Decrees gi-
" ven ſince the ſaid 15th of *June*,
" wherewith the ſaid Perſons, or any
" of them do find themſelves griev-
" ed, ſhould be reviewed by the or-
" dinary Judges that pronounced the
" ſame; and the Parties upon their
" Supplication be heard to propone
" any lawful Defence, which they
" might have uſed in the Time of
" the Deduction of the Proceſs, pro-
" viding the Supplication be preſen-
" ted, and their Petitions exhibited
" within ſix Months, after the Date
" of theſe Articles.

XII. " That all Perſons compre-
" hended in the Pacification, after
" Publication thereof, ſhould indif-
" ferently be received in all Parts of
" the Realm, as his Majeſty's good
" Subjects, and that Nothing done,
" or that hath occured during the
" Troubles, ſhould be eſteemed a
" Cauſe of deadly Feud and Enmity,
" nor admitted as an Exception, ei-
" ther againſt Judge, Party, or Wit-
" neſſes.

XIII. " That the Heirs and Suc-
" ceſſors of Perſons forfaulted, and
" now departed this Life, who are
" comprehended in this Pacification,
" ſhould be reſtored to their Lands
" and Poſſeſſions, and that it ſhould
" be lawful to them to enter thereto
" by Breves, as if their Fathers and
" Predeceſſors had never been for-

" faulted, and had died at the King's " Peace; especially, the Heirs of " *John*, sometime Arch-Bishop of " St. *Andrews*, *Gavin*, Commenda- " tor of *Kilwinning*, *Andrew Hamil-* " *ton*, of *Cochnay*, and Captain *James* " *Cullen*.

THE Peace of the Country being thus secured, the Earl from henceforth lived mostly in the Country, in a State suitable to his illustrious Quality, employing himself chiefly in his own domestick Concerns, till the Month of *May* of the Year 1576: He was seized with an Appoplexy, which in a few Days carried him off this earthly Stage of Mortality (*a*). By the Lady *Anne Hamilton* his Wife, second Daughter of *James*, Duke of *Chatlerault* aforesaid, he left Issue, *George* his Son and Heir, who was by King *James* VI. with great Solemnity at the Palace of *Holy-rood-house*, created Marquess of *Huntly*, the 17th of *April* 1599 (*b*), and a Daughter *Jean*, married to *George*, Earl of *Caithness*.

James Earl of *Morton*,

WAS the second Son of Sir *George Douglass* of *Pinky*, Brother to *Archibald* Earl of *Angus*, by *Elizabeth* his Wife, Daughter and sole Heir of *David Douglass* of *Pittendrich*. His Father himself, being a very bright Person, took special Care to give his Son Education suitable to his Rank and Quality, while he had the Oversight of him; but his Father being forfeited and banish'd to *England*, his Education was not only interrupted, but utterly neglected; for King *James* V. had so great an Animosity against the Earl of *Angus*, Sir *George Douglass* his Brother, and their Friends, that Mr. *Douglass* Sir *George*'s Son, was obliged to live privately with a Friend in the North, and the better to conceal himself, and prevent the Discovery who he really was, we are told, he passed under the Name of Mr. *Innes*, and serv'd a Gentleman in the Quality of a Steward or Chamberlain (*c*) for many Years, while his Friends were under a Cloud. But even that Character and Business however much below him, save in the Circumstances he was in, my Author Mr. *David Hume* of *Godscroft* observes, was of great Use to him afterward, for says he, " it fitted " him for those weighty Matters " which afterward he was to med- " dle in, and school'd him for that " Charge in which he was to be " imployed ere long: For by this " Means, he became acquainted with " the Humours and Disposition of " the Vulgar and inferior Sort of the " common People, which is useful " and necessary to the greatest Go- " vernours, that so they may know " how to deal with them, and Ma- " nage them, according as they shall " have Occasion. He attained also, " (*adds my former Author*) hereby such " Skill in Husbandry, and such Per- " fection in Oeconomy, that having " acquired a habite of Frugality, he " not only repaired the decayed and " shattered Estates of the two Earl- " doms of *Angus* and *Morton*, but " also helped to recover and aug- " ment the Revenues of the Crown " and Kingdom more than any o- " ther Regent before him.

HIS Father and his other Relations being restored after the Death of King *James* V. Mr. *Douglass* left his Concealment, threw up his Stewardship, and appear'd like himself, and it was not long before a noble Match was provided for him, the Lady *Mary Douglass*, second Daughter of *James* Earl of *Morton*, by *Katharine* Countess of *Dalkeith* his Wife (*d*), natural Daughter to King *James* IV. for the elder Sister being married to the Duke of *Chatlerault*, the old Earl of *Morton*, in the Marriage-Articles betwixt Mr. *Douglass* and his Daughter

(*a*) *Charta in Cancellaria* S. D. N. R. And Sir *Robert Gordon*'s History of the House of *Sutherland*. M. S. (*b*) The Form and Ceremony of the Creation is to be seen in Sir *George Mackenzie*'s Precedency, page 33. (*c*) Mr. *Hume*'s History of the House of *Douglass*. (*d*) *Charta penes Comitem de* Morton.

ter, provided his Eſtate, and with the Conſent and Approbation of the Crown, the Honour and Title of his Family to his Son in Law, and to any Heirs he ſhould raiſe by the Lady, and ſo ſoon as the Marriage was ſolemnized, Mr. *Douglaſs* was deſign'd Maſter of *Morton*, the ſame Title he would have had and no other during the Earl's Lifetime, altho' he had been his own Son.

THE firſt Thing to be met with concerning the Earl, is, That upon the Invaſion of the *Engliſh* 1544, while he was but Maſter of *Morton*, he held out and garriſon'd the Caſtle of *Dalkeith* (*a*), which he was oblig'd to ſurrender to the Enemy after the Battle of *Pinky*, and was thereupon carried Priſoner to *England*, where he remained for ſeveral Years; but how he came to procure his Liberty, whether by the paying of a Ranſome, or that he was freely diſmiſs'd, I cannot peremptorily affirm; but by his after Carriage toward that Kingdom, to which he had a wonderful Attachment, it would appear, he had received ſome very great Favours, and ſome ſignal Benefit at their Hands, and 'tis not unlikely it might be his Liberty at this Time which he ſo much valued; tho' this is no more than my own Conjecture, and I deliver it only as ſuch. After his Return home, he lived privately and retired in the Country, *neither*, ſays Mr. Hume, *going to Court nor intermeddling with any publick Affairs, to avoid the Charges he might have thereby undergone.* How ſoon he came to the Title and the full Poſſeſſion of the Earldom of *Morton*, which he did upon the Death of his Father in Law *Anno* 1553, he took great Care by his prudent Management to reſtore the Eſtate to its ancient Grandeur and Oppulency, *by frugal Parſimony*, ſays my learned Author (*b*), *in the Beginning, and did not laviſh out the Remainder by untimely Magnificence, eſteeming* (adds he) *wiſely, that Means and Money are the Sinews, not only of War, but alſo of all Civil and Political Actions.* All our Hiſtorians record, that the Earl of *Morton* was one of the Peers, who as early engaged, and ventured as far as any Man of Quality whatſoever in the Nation, toward the advancing the Reformation of Religion, and for preſerving the Liberties of the Kingdom during the Regency of the Queen-Mother: And how ſoon the *French* were expell'd the Country by the Aſſiſtance of the *Engliſh*, he was, together with the Earl of *Glencairn*, ſent Ambaſſadour to *England* by the Parliament, to return Queen *Elizabeth* the Thanks of the Nation, for the ſeaſonable Supplies ſhe had ſent them when they were in ſo extreme Diſtreſs from the *French*, and for the eſtabliſhing a firm and laſting Peace betwixt the two Realms. At this Time, the Earl fix'd himſelf ſo well in the Favour and good Graces of that Princeſs, that her Friendſhip to him was never diminiſhed till his Death, tho' I don't know but her Keenneſs to preſerve him afterward, haſtned on his Ruin, if it did not coſt him his Life.

THE Earl of *Morton* at this Time, it muſt be acknowledg'd, had as good a general Character throughout the Nation as any Nobleman in the Kingdom, which, 'tis likely, induced the Queen, upon her Return from *France*, to make choice of his Lordſhip as one of the Lords of her Majeſties moſt honourable Privy-Council, in 1561. The Earl at the Council-Board having Occaſion to diſplay his great Parts and Abilities, and much to the Queen's Satisfaction, her Majeſty was graciouſly pleaſed to prefer him to be Lord High-Chancellor of the Kingdom after the Death of the Earl of *Huntly* 7th *January* 1563 (*c*), and he held that great Dignity for two Years, till the 1565 he was depriv'd of the Office, and forc'd to fly to *England* for his being acceſſory to the Murder of *David Rizio* the Queen's *French* Secretary, on the 9th of *March* 1566. That which induc'd the Earl

(*a*) *Saidler's* Letters. (*b*) Mr. *Hume*. (*c*) *Charta in publicis Archivis.*

of *Morton* to engage in this foul Murder, was, as ſome of our Hiſtorians hint, That the Queen intended to make Mr. *Rizio* Lord Chancellor in Place of the Earl, which is not at all likely, for *Rizio* was a Stranger, had not the Language, nor could he be thought to underſtand the Laws and Conſtitutions of the Country, ſo as to be able to exerce that High Office: The true Reaſon ſeems to be, as 'tis delivered by Sir *James Melvil*, That the Sitting of the Parliament might be prevented, which was appointed about that Time, wherein ſome of the Earl of *Morton*'s Friends were to be forfeited for Treaſon, and to prevent a Revocation the Queen intended, whereby would have been brought back again to the Crown, *diverſe great Diſpoſitions during the Queen*'s *Minority, and ſome Benefices that had been taken by Noblemen at their own Hands, during the Civil War, under Pretext of Religion* (*a*). The Queen indeed had a great Reſentment againſt the Earl for the Murder of her Secretary, and intended to have proſecute him for it according to Law, which prevail'd with her the more eaſily to pardon the other Lords againſt whom the Proceſſes of Forfaulture had been rais'd, *That, ſhe might* (continues my former learned Author) *be the more eaſily revenged upon the Earl of* Morton *and his Accomplices, for that moſt deteſtable Deed of murthering her Servant in her own Preſence.*

NOT long after this, when the Earl of *Bothwell* came to have the chief Sway at Court, he procured the Earl of *Morton*'s Pardon, tho' the Queen would never admit him to any Degree of her Confidence, or ſcarce ever vouchſafe to ſpeak to him: But being now the Favourite *Bothwell*'s great Confident, he tampered with the Earl to come into the Plot of murdering King *Henry*, the Queen's Husband, and craved his Aſſiſtance toward the executing of his villanous Project, as that which would be a Piece of Service acceptable enough to the Queen, as well as to himſelf: But as my Lord *Morton* abhorred the Motion; ſo he utterly refuſed to have any Dealing in the Matter, or to engage in it, unleſs he had an Order to ſecure him, under the Queen's Hand, and was really out of the Way, and not near the Place, where the diſmal Tragedy was acted, by twenty Miles: Yet the concealing and not revealing the Deſign was afterward found to be High Treaſon, for which he ſuffered Death fourteen Years thereafter. This Circumſtance of the Earl of *Morton*'s Guilt, in knowing and concealing the Earl of *Bothwell*'s villanous Deſign, was no Secret, even at that Time; for an Author of great Credit (*b*) tells us, That the Regent the Earl of *Lennox* intending to proſecute Sir *William Maitland*, and Sir *James Balfour*, for the Murder of the King, ſecured them both, till they ſhould be brought to their Trial, and Sir *William Kirkcaldy* of *Grange* wrote to the Regent, deſiring the like Juſtice might be done upon the Earl of *Morton*, and Mr. *Archibald Douglaſs*, for that they were as guilty as any of the other two, and the Lord *Harris* accuſed him of it to his Face, *and offered to fight him*, ſays Sir *James Melvil, upon that Head; that he was upon the Council, and conſequently, Art and Part of the King's Murder, which* adds he, *ſtayed the Proceſs againſt the other two at that Time*; yet we find the Earl of *Morton* was as forward, as any Man could be, or any Man really was, for proſecuting and puniſhing the Earl of *Bothwell* as the Regicide, who no doubt was ſo, tho' to the Reproach of the Jury who tryed him, he was acquit *of all Suſpicion, as well as Action in the Murder.*

SHORTLY after this, when the Queen by ill Advice was perſwaded to marry the Earl of *Bothwell*, the Earl of *Morton* publickly diſprov'd of it, and being apprehenſive of foul Practices

(*a*) Sir *James Melvil*'s Memoirs. (*b*) Sir *James Melvil.*

Practices toward the young Prince (from *Bothwell*) he, with divers others of the Nobility, entred into an Association for his Preservation. The Queen, that she might as far as was possible remove all Discontents, set furth a Declaration, to assure them of her Care for her Sons Safety and Education, and that she intended no Alterations in the Government: But she was misbeliev'd, and the associated Noblemen ran to Arms, and making an unexpected March, set down before the Castle of *Borthwick* where the Court then resided; but not having sufficient Force to invest the Place, both the Queen and *Bothwell* made their escape to the Castle of *Dunbar*.

THE next Day being the 12 of *June* 1567, The Lords published a Manifesto at the Market Cross of *Edinburgh* (*a*), wherein they declared, that having Nothing before their Eyes, but the Good of their Country, and the Honour of their Queen, and to remove from the *Scottish* Name the Reproach of Particides, they had betaken themselves to Arms, to bring the Regicide *Bothwell* to a fair Trial, who had laid violent Hands upon his Sovereigns Person, forc'd her when in his Power to consent to an unlawful Marriage, and now design'd to destroy the young Prince, to secure the Throne to his own Children, or lest he should, when at Age, call him to an account for the Murder of his Father. For these Ends, and to procure to themselves, the Nation, and posterity, such Laws and Conditions as should appear indispensibly necessary for the Safety of the Subject, and the Establishment and Security of the Protestant Religion, they charged all and sundry the Liegis to be in readiness upon the short Advertisement of three Hours Warning, and all such as would not join with them in so good and reasonable an Undertaking, to depart from the City in four Hours after the publishing of the said Manifesto or Proclamation. Upon this rough Treatment, the Queen provides for her Defence, levies what Forces she could, and having got together an Army of 4000 Men, thought it expedient to take the Field assoon as possible: And therefore rashly abandoned the Castle of *Dunbar*, and came forward that Night to *Seatoun*, and next Morning to *Carbery-hill*, where, at the Head of the Army, she emits a Proclamation (*b*), narrating, "That a "Number of Conspirators having "discovered their latent Malice born "to her and the Duke of *Orkney* her "Husband, after they had failed "in apprehending their Persons at "*Borthwick*, had made a seditious "Proclamation, to make People be-"lieve, that they did seek the Re-"venge of the Murder of the King "her late Husband, and the reliev-"ing her self out of Bondage and "Captivity, pretending, that the "Duke her Husband was minded "to invade the Prince her Son: All "which were false and forg'd In-"ventions, none having better Cause "to revenge the King's Death than "her self, if she could know the "Author thereof; and for the Duke "her present Husband, he had used "all Means to clear his Innocency, "the ordinary Justice had absolved "him, and the Estates of Parlia-"ment had approved their Proceed-"ings, which they themselves, who "had made the present Insurrection, "had likewise allowed; and also, "that he had offered to maintain "that Quarrel against any Gentle-"man on Earth undefamed, than "which nothing more could be re-"quired: And as to her alledged "Captivity, the contrar was known "to the whole Subjects, her Mar-"riage with him being publickly "contracted and solemnized with "their own Consents as their Hand-"writs could testifie, albeit to give "their Treason a fair Shew, they made "now a Buckler of the Prince her "Son, being an Infant and in their

(*a*) Mr. *Crawfurd* of *Drumsoy*'s Memoirs. (*b*) Bishop *Spotiswood*'s History page 286.

" Hands, whereas their Intention " was, only to overthrow her and " her Poſterity, that they might " rule all Things at their Pleaſure, " and without controlment: Seeing " therefore, no Wilfulneſs nor Parti- " cularity, but very Neceſſity had " forc'd her to take Arms for De- " fence of her Life, as her Hope was " to have the Aſſiſtance of all her " faithful Subjects againſt thoſe unna- " tural Rebels, tho' ſhe doubted not " but ſuch as were already aſſembled " would with good Hearts ſtand to " her Defence, conſidering eſpecially " the Goodneſs of her Cauſe, pro- " miſing them in Recompenſe of " their valorous Service, the Lands " and Poſſeſſions of the Rebels, which " ſhould be diſtributed according to " the Merit of every Man.

THE Lords, in the mean Time, being advertis'd of the Queen's March from *Dunbar*, and that ſhe was advanc'd as far as *Carberry-hill*, haſtily Muſter their Troops, which they form'd into two Battallions, the Firſt was commanded by the Earl of *Morton* and the Lord *Hume*, the Second by the Earls of *Athole*, *Mar*, *Glencairn*, the Lords *Lindſay*, *Ruthven*, *Semple*, *Sanquhar* and other Perſons of Note. Aſſoon as they came in view of the Queen's Army, Monſieur la *Crotte*, the *French* Ambaſſador came to meet them, and being fond of bringing Matters to an Accomodation, aſſured them the Queen was peaceably inclin'd, and diſpos'd both to forget the preſent Inſurrection, and all paſt Offences; to this the Earl of *Morton* anſwered, *That they had not taken Arms againſt the Queen, but againſt the Murderer of the King, whom if ſhe would deliver to be puniſh'd, or put from her Company, ſhe ſhould find nothing more deſired of them and all other Subjects, than to continue in their dutiful Obedience toward her, otherways no Peace could be made.* The Ambaſſador however perſiſted ſome Time in his Endeavours, but the Earl at laſt took the Freedom to tell him, *That they had come to the Field, not to ask Pardon for any Offence they had committed, but to give Pardon to thoſe who had offended them*; the Earl apprehending it might be of fatal Conſequence to him, to have *Bothwell* delivered up to them, in Caſe he ſhould make a Diſcovery, of his knowing of the Deſign of taking away the King's Life: And therefore for his own Safety, he made the Alternative of the Queen's baniſhing him her Company, knowing ſhe would more willingly comply with this, than to deliver him up to the Mercy of thoſe who thirſted after his Blood.

THE Queen perceiving her Army diſinclin'd to engage, and having found Means to give *Bothwell* an Opportunity to make his Eſcape, ſhe ſurrendered her ſelf to the Lords of the Aſſociation, who contrary to Capitulation, ſent her next Day under a Guard to the Caſtle of *Lochleven*, there to remain during Life, and the Royal Authority to be eſtabliſhed in the Perſon of her Son. That this Affair may appear in a truer Light than hitherto it has done in our Hiſtories, I ſhall inſert ſeveral Acts of State relating to theſe Times, never hitherto publiſhed, amongſt the Collection of Records, at the End of this Work.

SOON after this, when the Queen was forced to reſign and ſurrender the Government, to the End the Prince her Son might be inveſted in the Sovereignty, the Earl of *Morton* and the Lord *Hume* took the Coronation Oath for the young King, *That he ſhould maintain the Reformed Religion, and adminiſter Juſtice impartially to his Subjects*; the Earl at the Solemnity carrying the Scepter, the Earl of *Athole* the Crown, and the Earl of *Glencairn* the Sword of Honour. The Earl of *Morton* having contributed very much to advance thus far this great Revolution of Affairs, he was, by the Earl of *Murray*, upon his Advancement to the Regency, made Lord High Chancellor of the Kingdom, upon the Removal of the Earl of *Huntly* from the Office. His Gift proceeds upon the Narrative, that the Queen had before conferred upon him

him the Chancellor's Place during Life; but without taking any Notice of the Reaſon why, or for what Cauſe, he had been deprived, namely, the Murder of Mr. *Rizio*, altho' he had been ſo wiſe, as to take a Remiſſion for it (*a*): And therefore, the Regent, in the young King's Name, ratifies and approves in all Points the Queen's firſt Grant to him of the Office, *pro bono, fideli & gratuito Servitio nobis, per prædilectum noſtrum Conſanguineum & Conſiliarium*, Jacobum *Comitem de* Morton, *impenſo; ac pro nonnullis aliis Cauſis & Conſiderationibus rationabilibus dictum noſtrum Regentem ad hoc moventibus. Ac etiam de novo facimus, conſtituimus & ordinamus præfatum noſtrum Conſanguineum, Regni noſtri Cancellarium, ac Magni Sigilli noſtri Cuſtodem, pro omnibus ſuæ Vitæ Diebus*, &c (*b*). And that notwithſtanding of the pretended Letters patent, *pretenſas literas*, as they are called in the Record, made by the Queen formerly to the Earl of *Huntly*, of the Office. This Gift bears Date the 11th of *November* 1567. In the Month of *December* thereafter, a Proceſs of Forfaulture being led and deduced againſt the Earl of *Bothwell* (*c*), after he had fled to the *Orkney*'s, for the Murder of King *Henry*, whereby he was deprived of all his hereditary Offices, the Admiralty of *Scotland*, and the Sheriffſhip of *Edinburgh*-Shire, both which the Regent conferred on his good Friend the Earl of *Morton* (*d*); and ſo zealous was the Earl of detecting and puniſhing all who had been but ſuſpected as any Way acceſſary to the King's Murder, that he cauſed purſue the Laird of *Whitelaw*, as ſome Way concerned in that odious Crime; whether the Gentleman was guilty or not I ſhall not ſay, but he did not think fit to ſtand his Trial: Whereupon being declared Fugitive, the Earl of *Morton* got a Gift of his Eſcheat (*e*), "As his Majeſties "Rebel and Fugitive fra the Law, "for Art and Part of the cruell, "ſhamefull and treſſonable Murther "of our Soverane Lordis derreſt "Fader, umquhyle *Henrye* King of "*Scottis*, in his aun Ludgin for the "Tyme, uithin the Brugh of *Edin-*"*brugh*, beſyde the Kirk of *Feild*, "whair he was liand in his Bed, "takand the Nychtis Reſt, treſſo-"nably raiſſand Fyre uithin the "ſamin, uith an greit Quantitie of "Pouder, thro' Force of the whilk, "the ſaid haill Ludgin was raiſit "and blauin in the Air, and his "Grace was murderit maiſt creuelie "therin.

The Earl of *Morton* ſtuck ever cloſe to the Regent *Murray*, was in his greateſt Confidence, and entirely truſted by him. He gave him the Command of the Van of the Army, who fought the Queen at *Langſyde* near *Glaſgow*, and won the Battle. After which Misfortune, the Queen made toward the Border, and, contrary to the Advice of her beſt Friends, put to Sea, ſet Sail for *England*, and landed at *Wirkinton* in *Cumberland*. As for the Detail of this Princeſs's Misfortune, it not being the proper Buſineſs here, I ſhall paſs it over, but only in ſo far as the Earl of *Morton* was concerned.

In the 1568, the Lord Chancellor, the Earl of *Morton* being the moſt conſiderable Man of the Party, and one in whom the Regent could well confide, was named one of the Commiſſioners for the young King, whom he empowered to treat with the Deputies of the Queen of *England*, for informing that Princeſs of the Cauſes which had induced a Party of the Subjects of *Scotland* to dethrone their Sovereign; when indeed to the great Diſhonour of the Nation, they gave in an Accuſation againſt the Queen, drawn up in the moſt invective Terms imaginable, and hightned with all the Eloquence and Art the learned

(*a*) Which is ſtill extant in the Records of the Privy Seal, and which I have put in the Collection of Records at the End of this Work. (*b*) *Ibidem ad Annum* 1567. (*c*) *Ibidem*. (*d*) Records of Parliament, and Original Gift alſo in the Cuſtody of the Earl of *Morton*. (*e*) Regiſters of the Privy Seal, in the Publick Archives.

ned Mr. *Buchannan* could give it, tho' in the End, it came to Nothing; it appearing Queen *Elizabeth* never designed to decide the Matter in Favours of either Party, tho' she was well enough pleased to have the *Scot*'s Queen defam'd, and her Reputation blackned, that she might, with the better Face and Appearance of Justice, excuse her self to the Ambassadors of forreign Princes, for detaining a crown'd Head as a Prisoner, who had fled to her for Shelter, in Hopes of that Protection and Assistance she had so often promised her. After this, the Chancellor managed all the Publick Business; and indeed he had ever ruled from the Time the Queen had been deposed, and wanted Nothing but the Name of Regent through all the three Regencies that went before him; till upon the Death of the Earl of *Mar*, he was, by *the Plurality of Votes of the Estates of the Kingdom*, on the 27th of *November* 1572 elected Regent to the young King, his Realm and Lieges (*a*). Soon after this Sir *Henry Killegrew* was sent Ambassador from the Queen of *England*, to congratulate his Accession to the Regency, and to concert Measures for crushing those who yet own'd the Authority of the banished Queen. The Regent now, that he might settle the unquiet and disturbed State of the Country, prevailed with the Duke of *Chatlerault*, and the Earl of *Huntly*, the Heads of the Queen's Party, to prolong the Cessation of Arms then on Foot, and over and above this Cessation, they agreed to send Commissioners to *Perth*, to treat in Order to a full Accomodation: And here, after some Days Debate, the Queen's Party agreed to disingage from the Cause, and to acknowledge, that whatever they had done by Virtue of the Queen's Commission, since the Prince her Son's Coronation, was void and against Law, and thus says a learned Historian, *After a great Deal of Struggle and Appearance of Loyalty, they signed themselves Rebels* (*b*). The Articles of Pacification are to be met with, in the Life of *George*, Earl of *Huntly*.

BUT tho' the Duke of *Chatlerault* and the Earl of *Huntly* had submitted to the Regent, yet the Governour of *Edinburgh* Castle, the Laird of *Grange*, and some other Persons of Quality in the Garrison, refused to have any Share in the Treaty, whereupon, the Regent, who wanted but this one Fort to make him absolute Master of the whole Kingdom, solicited the *English* Ambassador to move the Queen his Mistress, who had all along encouraged the Regency, to assist him with Troops, to reduce *Edinburgh* Castle, she granted the Request, and sent a Body of 1500 Men, under the Command of Sir *William Drury*, by which Reinforcement, the Castle was obliged to surrender upon hard enough Terms; in short, the Brave Governour Sir *William Kirkaldy* was executed publickly, and the rest of the Quality in the Garrison were made Prisoners; the Command of the Castle was immediately given by the Regent to his natural Brother, *George Douglass* of *Parkhead*.

THE Regent having now defeated all his Enemies, settled a profound Peace at Home, contracted a strict Friendship with *England*, his next Care was to manage to the best Advantage the Revenue of the Crown, and to recover such Lands as had been alienated from it, either in the Queen's Time, or during the late Troubles: The Jewels impignorate by the Queen he relieved, by refunding the Money had been lent upon them; he caus'd also repair and inlarge the King's Houses, especially the Castle of *Edinburgh*, and furnisht them with Ammunition, and all necessary Artilliary: By these Proceedings, says our learn'd Church Historian, *He did Purchase to himself, both Love and Reverence, with the Opinion of a most wise and prudent Governour:*

(*a*) Records of the Privy Council, in the Signet Office at *Edinburgh*. (*b*) Mr. *Collier*'s Ecclesiastical History of Great-Britain.

vernour: But it was not long before he came to loſe much of the good Opinion had been conceived of him, by the Courſes he took (*a*), in heaping up vaſt Sums of Money to enrich himſelf: He began with the Church, which made a very loud Outcry; for the Clergy, from a Confidence they had in him, reſign'd the Thirds of their Livings: For to gain this Point, he engaged the Miniſters ſhould have their Stipends pay'd more punctually, and with leſs Trouble than they had been by the Collectors; and beſides, if they ſhould happen to diſlike that new Method of Payment, he promiſed to reſtore them to their former Conditions. But the Thirds being thus put into his Hands, he reſolv'd, ſays my Author, *To make a Peny of the Bargain* (*b*). For this Purpoſe, he aſſigned three or four Churches to one Miniſter, without increaſing their Profits; and as for the Readers, who were plac'd in every Pariſh, their Allowance was narrow to a Scandal: And thus the Churchmen, by relying on the Regent, made their Circumſtances much worſe than before. Another Method the Regent took to bring in Money, was, to puniſh thoſe who eat Fleſh in Time of Lent (*c*), theſe were commonly ſentenc'd to whipping, or publick Pennance; but this was only, becauſe he knew they would buy off the Puniſhment and Diſgrace with ready Money; at the ſame Time no Merchant durſt bring home any Wine from *France*, without a Licence; theſe Licences expreſly mentioned the Quantity to be imported, and coſt very near as much as the Wine amounted to in *France* (*d*): And Licences for the Exportation of Corn were ſold at the ſame Rate. Some Jewels gifted by the Queen to the Counteſs of *Murray*, he forc'd by Law from her Husband Sir *Colin Campbell* of *Buquhan*, under a Pretence of Regard to the Crown, to which, he ſaid, they properly belong'd: And therefore, could not be alienated. Sir *Colin* ſaid, they were impignorated to his Wife for as much as they were really worth; but whether it was ſo or not, 'tis certain he was forc'd to give them up for Nothing (*e*). All theſe Methods of getting Money were thought nothing, when compared to the Severities of his Juſtice Courts, called *Juſtice Airs*, *Which* Biſhop *Spotiſwood* ſays, *were exerc'd with much Rigour*; for, for every trifling Fault, both Rich and Poor were forc'd to buy Liberty and Impunity at a dear Rate; all the old Sores of the Civil Wars were now ript up, and every Man was forc'd to compound for thoſe Loſſes his Enemies had ſuſtain'd during the War, *Nor left he* (adds the Arch-Biſhop) *any Means uneſſayed, that ſerved to bring in Money to his Coffers, which drew upon him a great deal of Hatred and Envy.*

THE Diſcontents and Murmurings of the Country daily increaſing againſt the Regent, by Reaſon of the Severity of his Proceedings (*f*); 'tis almoſt incredible to believe, how in ſo ſhort a Time, every Body became diſguſted with his Government, and wiſhed him out of his Poſt; but nothing contributed ſo much to it as an accidental Scuffle betwixt the Earls of *Argyle* and *Athole*, which by a ſtrange turn of Providence became the Mean of humbling the Regent, and of bringing about his Dimiſſion of the Regency, when no Body entertained ſuch a Thought: In ſhort, the Story was this,

IN the Beginning of the Year 1577, one *Alaſter Glaſs Mackallan*, born in the Country of *Argyle*, and a moſt notorious Robber, was taken Priſoner within the Bounds of *Athole*, and ſentenced to be hanged. The Earl of *Argyle* inform'd of the Matter writes to the Earl of *Athole*, deſiring at once Life and Liberty to the Priſoner, which to gratifie the

(*a*) Arch-Biſhop *Spotiſwood*'s Hiſtory of the Church of *Scotland*. (*b*) Mr. *Collier*'s Eccleſiaſtical Hiſtory of Great *Britain*. (*c*) Records of Council. (*d*) Mr. *David Crawfurd*'s Memoirs of the Affairs of *Scotland*, in the Minority of King James VI. (*e*) Records of Council. (*f*) Arch-Biſhop *Spotiſwood* Page 277.

Earl was readily granted: *Alaſter* in the mean Time inſenſible of the Favour, aſſoon as he was reſtored to his Freedom, gathered together his old Companions, and ſuch as would ſtand by him in his Depredations, and enters the Country of *Athole* with Fire and Sword, where meeting with no Oppoſition, he deſtroy'd every Thing at random, and retired with a very conſiderable Booty.

Athole, upon this, immediately writes to *Argyle*, and complains of the Affront and Injury, deſiring, that *Glaſs* might be again put into his Hands, to ſuffer according to his former Sentence: To this *Argyle* returned no manner of Anſwer; *Athole* thereupon raiſes an Army to do himſelf Juſtice, and *Argyle* raiſes another for his Defence; but as they were ready to come to Blows, the Regent commanded them both to diſband their Troops, under the Pain of High-Treaſon, promiſing to each of them by Letters at the ſame Time, to examine the Matter, and to order Reſtitution to be made to the Party injur'd: In the mean Time, the two Earls were charged to appear before him, and to give in their Anſwers to ſuch Crimes as were to be objected againſt them. *Argyle* was to be proſecuted for gathering together the King's Liegis in a warlike Manner, contrary to act of Parliament; and *Athole*, for diſcharging *Glaſs* after Sentence, and without being puniſhed for his Crimes. The Form of Proceeding againſt the two Earls was drawn up by Mr. *David M'Gill* a Lawyer of Reputation, the Regent's great Crony, and whom he conſtantly imployed in all his Adventures of this Kind. At this Time, Mr, *M'Gill*'s principal Servant was a *Campbell*, who, overhearing what had paſt betwixt the Regent and his Maſter, informed both *Argyle* and *Athole* of the whole Matter, requeſting them ſuddenly to provide for their Safety, and in Order thereto, to come to an Agreement among themſelves, as the ſureſt Way to defeat the dark Contrivance of their Enemy. The Advice was readily embraced, the Earls met Face to Face, all old Quarrels were laid aſide, and a more perfect Friendſhip than ever was contracted betwixt them. The Regent was ſoon inform'd of this friendly Meeting, and was (ſays my Author) heartily uneaſie about it, however, diſſembling his Reſentment, he ſummon'd them both anew to appear before the Secret Council, to anſwer *ſuper inquirendis*; but to his great Mortification and Trouble, none of them obey'd: The Regent unable to bear ſuch an Affront, it wrought exceedingly upon his high Spirit, inſomuch as in a Piece of Humour, as it would appear, he made offer to reſign the Regency in a Council held at *Stirling* 15th *September* 1577, where the young King ſat in Perſon, when he made the following Speech.

May it pleaſe your Majeſty,

" The Noblemen here preſent have " moſt of them been Eye Witneſſes " of theſe Misfortunes, which attended " my Predeceſſors in Office. The Earls " of *Murray* and *Lennox* fell by the " Hands of your Majeſty's Enemies, " and their late Succeſſor might have " felt the ſame Deſtiny, had not in- " dulgent Providence removed him " by a natural Death, in a very few " Months after his Acceſſion to the " dangerous Poſt. The Misfortunes " of theſe great Men taught me ra- " ther what to fear, than how to a- " void the ſame Fate; yet my Du- " ty and Inclination to ſerve your " Majeſty, my Affection to my " Country, and the Safety of the " Proteſtant Religion, made me blind " to all future Events, and engaged " me in the mighty Labour. With " what Courage, and with how " much Induſtry I have born this " great Burden, and diſcharged this " important Truſt, will beſt appear " from that Proof and Peace which " the Nation now enjoys, the im- " plicite Obedience of all the Borde- " rers, and the good Condition of " your Majeſty's Forts and Caſtles: " Your Majeſty's early Wiſdom,

" which

" which, by GOD's Bleſſing, out-
" ſtrips your Years, has of late taught
" ſome People to deſpiſe that Autho-
" rity, which your moſt faithful Ser-
" vant has hitherto exerciſed in your
" Majeſty's Name, and for your Ma-
" jeſty's Intereſt, in Hopes of Impu-
" nity, when your Majeſty aſſumes
" the Government into your own
" Hands, which now the whole Na-
" tion ſeems to wiſh, and every Bo-
" dy expects with Impatience. From
" this Change a new Miniſtry is
" hoped, and I muſt confeſs no Man
" has ſo much Reaſon to deſire it as
" my ſelf: I have long born the
" Weight of Publick Affairs; I have
" not bettered my private Fortune
" with the Revenue of the Crown;
" I have enriched none of my
" Friends; I'm grown old, ſickly
" and infirm in the Nation's Service,
" yet am loaded with Envy, and
" hourly reproached. 'Tis not for
" theſe Reaſons, but as I have hin-
" ted, for your Majeſty's early Wiſ-
" dom and great Judgment, and
" my Age which renders me unfit
" for ſo great a Burden, that I would
" deſire to be relieved; and here
" before theſe worthy Noblemen,
" humbly beg to be diſcharged of
" my Office. This Favour I hope
" your Majeſty will graciouſly be
" pleaſed to grant, if not upon the
" Score of my paſt Services, yet to
" humour your affectionate Sub-
" jects (*a*).

EVERY Body was ſurpriſed with this unexpected Speech, and the young King alone ſeemed to be leaſt affected with what he had heard: At laſt however he anſwered, *That his Age rendered him wholely unfit to take the Government upon himſelf, and if he ſhould be prevailed with to eaſe the Regent of the Burden, yet he knew not where to fix his Court, for at preſent he was not ſatisfied with the Caſtle of* Stirling. *Morton* Replied, *That the Caſtle of* Edinburgh *was every Way the fitteſt Place in the Kingdom for his Majeſty's Reſidence: But then my Lord*, ſaid he, *I muſt have the Keys delivered to ſuch as I ſhall appoint:* Whereupon the Regent aſſured him, he ſhould be obeyed in all Things, *then I will think upon it*, Replied the King, *and in a Week or two you ſhall know my Reſolution.*

THE next Morning the Regent returned to *Edinburgh*, and that very Night the King called a Council at *Stirling*. The Day before *Alexander Erskine* Deputy Governour of the Caſtle had ſent an Expreſs under Hand, to acquaint *Argyle* and *Athole* with what had paſt, and to beg, *They would not ſlip the Opportunity of freeing the King and the Nation from Tyranny, ſince the Regent had now put it into their Hands.* The Earls needed but this ſhort Advertiſement, and came to *Stirling* juſt as the Council met. The King received them very kindly, and aſſured them he relied very much upon their Advice, in what the Regent had propoſed: The two Earls ſeemed very much ſurpriſed, pretending they knew Nothing of the Matter before: But the King preſſing for an Anſwer, they replied very modeſtly, *That in Conſideration of the Regents great Services, his Majeſty ought to grant his earneſt Requeſt, and remove the Burden from his Shoulders, to lay it upon his own.* The Advice was too agreeable, not to be reliſhed; but the Difficulty was how to manage the Matter, ſo as not to diſguſt the Regent; for having much of the Money of the Kingdom in his own Hands, and all the Strengths too, 'twas by no Means thought ſafe to diſoblige him, or go the ſhorteſt Way to Work. The Buſineſs was ſome Hours canvaſſed in the Council, where the King tho' ſcarce twelve Years old, offered his own Opinion with that Calmneſs and Cunning which appeared inſeparable from him in all the after Courſe of his Life. The Reſult of all was, *That in Regard few of the Nobility were preſent, and the Thing might ſeem raſhly determined, or done by a Club, his Majeſty ſhould inſtantly write*

(*a*) Mr. *David Crawford*'s Memoirs of the Affairs of *Scotland*.

to the reſt of the Noblemen of the Kingdom, to attend him at Stirling: Argyle and *Athole*, in the mean Time took Care, that theſe Letters were only ſent to ſuch of the Nobility as were the Regent's Enemies, and the Plot was ſo very ſecretly managed, and ſo quickly executed, that before the Regent, for as ſharp ſighted as he was, could find it out, they were all met, and unanimouſly adviſed the King to take the Government upon himſelf.

UPON the 10th of *March* 1578, the Lord *Harris* was ſent by the King with a Letter to the Regent then at *Edinburgh*, containing, *That his Majeſty had ſeriouſly taken into his Conſideration that Diſlike which moſt People had of his Government, and thoſe Troubles which in all Probability were ready to fall upon the Kingdom*: He had therefore, by the Advice of the greateſt Part of the Nobility, determin'd to take the Managment of Affairs into his own Hands; and becauſe Delays might produce many Inconveniencies, he required him inſtantly to ſend a Declaration in Writing, certifying his Obedience and Allowance of what was done, and for the Future, to abſtain from his preſent Office of Regent. This Reſolution very much ſtunn'd the Earl, for he ſaw he could no longer keep the Government in his Hands; and yet he ſaw his Ruin begin where his Power ended. To ſhift off the Matter, he writes back to his Majeſty, That he was ready to obey him in all Things, but could not reſign his Office, without an ample Diſcharge and Remiſſion confirmed by Parliament: To this it was anſwered, That the Diſcharge required ſhould in due Time be granted; but at the ſame Time (being the 11th of *March*) the Lyon King at Arms, and his Brethren Heraulds, appear'd ſuddenly at the Market Croſs of *Edinburgh*, proclaimed the Regent's Dimiſſion, and the young King's Acceptation of the Government, as they term'd it, *Morton* himſelf aſſiſted at the Ceremony; but publickly proteſted, That his Demiſſion ſhould be of no Force nor Effect, nor be deem'd good in Law, if the King ſhould ſubſtitute another Regent in his Place.

THIS done, the Diſcharge and Remiſſion was inſtantly granted (*a*), and all thoſe Clauſes inſert in it, and aſſented to, which Fear and Cunning ſuggeſted to him as neceſſary for his Security: For therein his Majeſty declares, "That the "Regent having given guid Pruif "and Experience of the Faithful and "trew Service done to his Hienes in "his tender Age, as weill before the "Acceptation of the Regiment of "the Realm, as ſenſyne for the De"fence and Saftie of his Perſon and "Authoritie, chieflie in the dange"rous Troubles then occuring: "Therfore his Majeſtie, uith Auiſe "and Conſent of the Nobilitie and "Eſtatis, fand, declarit and de"cernit, That the ſaid Lord Regent, "has dewſie, laufulie, juſtlie and "diligently exercit his ſaid Office of "Regiment, and all Affairs, Cauſes "and Charges thereto appertaining, "and as treulie as accordit in all Re"ſpects adminiſtrate the ſame, fra "the Time of his accepting thereof, "till the Date of their Preſents, and "ever duiring the ſame Space in all "his Proceedings in the Government "of the Realm, keipit ane trew aw"fuld and juſt Part towards our "Soverane Lord, his Realme and "Liegis, in all the Affairs therof, "without ony Crime, Offence or "Fault: And therfore, his Majie"ſtie with Conſent forſaid, has de"clarit and decernit, That the ſaid "Lord Regent, his Heirs and Suc"ceſſors ſall not be accuſable of ony "Maner of Cryme of whatſoever "Greitnes, or oucht, uithout Excep"tion, that my be allegit commitit be "him in Tyme bipaſt; but that he "ſal be, in all Tyme cuming, frelie "diſchargit, and exonerit of all Ac"cuſation, or ony otheruays Pro"ceding,

(*a*) Records of the Privy-Council.

" ceding, moving of Pley or Que-
" ſtion againſt him, or his Succeſ-
" ſors, for ony Cauſe, Cryme, or
" Occaſion of Crime whatſumever,
" that might be imputit to him, how
" greit ſoever the ſame be, and that
" his Hienes forſaid Declaration be
" an ſufficient Exoneration and A-
" quitance to the ſaid Lord Regent,
" his Heirs, Succeſſors and Aſſignys,
" of all Crimes, Queſtions or Offen-
" ces that can, or my be criminalie
" or civilie imputit to him be his
" Majeſty, on ony Fault or Deed
" done be him, his Miniſters and
" Servandis, in the Adminiſtration
" of the Regiment, during the Space
" and Tyme therof: And the ſaid
" Aquitance and Diſcharge his Hie-
" nes has wilit and grantit, to be als
" valiable, and of als greit Strenth,
" Force and Effect in all Reſpects,
" as gif the hieſt Cryme that can or
" my be imputit to ony Perſon, uar
" ſpecialie expreſſed therin: And
" further, his Majeſtie uith Aviſe
" forſaid, has promitit in the Fayth
" and Uord of a Prince, never to
" revocke the ſaid Diſcharge, nor to
" come in the contrar therof in ony
" Tyme hereafter, whilks Exonera-
" tion, Diſcharge and Promies, the
" Kings Majeſtie uith Aviſe of the
" Nobilitie and Eſtatis now conve-
" nit, ordins to be deulie ratiefeit
" and approvit in his Hienes nixt
" Parliament, to be halden betuixt
" the Date heirof, and the tuentie
" Day of *Julie* nixt to cum, as al-
" ſwa, to be ratiefeit and approvit
" of new, in his Majeſties firſt Par-
" liament, at his lawful and perfyt
" Age, and ordainis and commands
" the Chancellor to append his Hie-
" nes greit Seall to the ſaid Exonera-
" tion, Diſcharge, and Promeis now
" ſubſcrivit, with his Majeſties Hand
(*a*): Yea, ſo far, I obſerve, were the new Counſellers willing to humour the Earl, to get all the Places of Strength out of his Hands, that all of them ſolemnly bound themſelves under their Hands and Seals to ſee his Diſcharge ratified by Act of Parliament, under the Penalty of five Hundred Thouſand Pound.

THE Earl of *Morton*'s Enemies did not reſt ſatisfied with diveſting him of the Regency, but ſtill went on plotting how to bring him into Diſgrace with the King (*b*): For even when he lay retir'd at his Caſtle of *Dalkeith*, they peſter'd him with Meſſages from the King, which taught him to provide for his own Safety, by too plainly diſcovering, that they aim'd at Nothing leſs than his Ruin. The firſt Meſſage they brought him, was, that they hoped he would not take it unkindly, if his Nephew the Earl of *Angus*, who was Warden of the Weſt Marches, and yet had no Eſtate in that Country, were removed from the Office, and another prefer'd to the Poſt, who had an Intereſt upon the Spot. The ſecond was, that becauſe of the King's great Neceſſities at that Time, and in Regard the Treaſaury was very low, 'twas expected he would give up the Mint into his Majeſty's Hands, and advance him a Sum of Money to defray his great Charges, till the Management of the Publick Revenue could be look'd into, and ſettled to Advantage. With ſome one, or other of theſe Demands, they thought he would not readily comply, which ſhould furniſh them with new Matter to work his Overthrow; but in this they were however diſappointed; for tho' he did not think himſelf very kindly uſed by the Court, yet the Anſwer he returned, was very mild. He told the Chancellor, the Lord *Glamis*, and the Treaſurer, the Lord *Ruthven*, who were ſent with the Meſſage, *That he thought the making his Nephew* Angus *Warden of the Marches, was for the Good and Quiet of the Country* (*c*); *but that he had Nothing to ſay, why his Majeſty might not at his Pleaſure diſpoſe of the Office to any other he judged fit for the Service.*

(*a*) Records of the Privy Council in the Signet Office at *Edinburgh*. (*b*) Arch-Biſhop *Spotiſwood*'s Hiſtory of the Church of *Scotland*, and Mr. *Crawford*'s Memoirs. (*c*) Records of the Council, and Arch-Biſhop *Spotiſwood*'s Church Hiſtory.

As to the Matter of the Mint, he ſaid, *That while he was Regent, he had kept it in the beſt Order he could, and having now no more Charge of it, he wiſhed the King to do therewith as he thought beſt*; *But for the advancing of Money, he excuſed himſelf*, ſaying, *It was not unknown how he had received his Office in a Time full of Trouble, and when the Country was embroiled in a civil War, the Burden whereof he ſuſtained upon his private Charge, and that ſince the Troubles had ceaſed, he had paid a great many Debts, repair'd his Majeſty's Houſes and Caſtles, and put them in a better Caſe than for many Years they had been: That the Entertainment of his Majeſty's Houſe, and maintaining of his own as Regent, was a Matter of no ſmall Charge, which the ordinary Revenues of the Crown would hardly do: Yet when his Majeſty came to riper Years, and his honourable Occaſions required it, he ſhould not be wanting according to his Ability, to beſtow all his Means for his Majeſty's Honour.* The Chancellor and the Lord *Ruthven* returning with theſe Anſwers, the Court ſeemed ſatisfied therewith at that Time.

AFTER this the Earl of *Morton* went to the Country, and lived retiredly, till he was called to Court again, and at the King's *earneſt Entreaty*, ſays our learned Church Hiſtorian, to ſettle a Quarrel betwixt the young Earl of *Mar*, and *Alexander Erskine* of *Gogar* his Uncle, about the Government of *Stirling* Caſtle, that was like to make a great Buſtle; but was quickly after by the Earl's Means accomodated without any Noiſe, to the Satisfaction of both Parties. It was at this Time that the Earl, (that he might not ſeem totally laid aſide) was made a Privy Counſeller (*a*); and becauſe of his late Office of Regent, the King was pleaſed to allow him the Precedency at the Council Board, or as 'tis entred in the Record, *The firſt Room and Place there, in Reſpect of the Charge he bore as Regent to his Highneſs*, which all the reſt of the Lords, to humour the King, acquieſced in.

THE Counſellers again returned to *Edinburgh*, and *Morton* to *Dalkeith*; but having remov'd his grand Enemy Mr. *Erskine* from about the King, he returned privately the very next Day to *Stirling*, where he managed every Thing at his own Pleaſure; for not being able to endure the Diſgrace of his Removal from the Regency, he regarded not the Reſolutions of Council had been lately made; particularly, with Reſpect to a Meeting of the Eſtates, which was appointed to ſit at *Edinburgh* ſoon thereafter. The Place not being agreeable to him, nor much at his Devotion, he prevailed with the young King, whom he once again had in his own Power to change the Place, and to ſummon the Parliament to meet at *Stirling*, upon the 16th of *July* thereafter.

THIS ſudden Change of the King's Reſolution very much ſurpriſed the Nobility at *Edinburgh*, all of them ſuſpecting 'twas *Morton*'s Contrivance, and poſitively reſolved to diſobey, they knew too, that it was a Force put upon the King; and therefore, at the Day appointed, inſtead of going themſelves, they ſent the Earl of *Montroſe*, and the Lord *Lindſay*. The two Lords went with the reſt into the great Hall of the Caſtle, where the Parliament was to meet, and amongſt the reſt heard the King's Speech; but aſſoon as that was ended, they roſe up, and proteſted in Name of the Council, and other Noblemen adhering to them, that what was there paſt into a Law, ſhould be reputed of no Force nor Effect, becauſe of the Abſence of ſo many Members, who could not with Safety attend the Meeting, in Regard the ſame was kept within the Caſtle, which they judged to be in the Power of their Enemies (*b*).

THE King was not ill pleaſed with this bold Proteſtation, but the few Members preſent being *Morton*'s Friends, he was forced to diſſemble his

(*a*) Records of Council. (*b*) Arch-Biſhop *Spotiſwood*, Mr. *Hume* and Mr. *Crawford*.

his Thoughts, and commanded the Authors to be forthwith confined to their Lodging, till he ſhould give further Orders concerning them.

AT Night he ſent a Letter to *Montroſe*, directed to the Earl of *Athole* the Chancellor, and deſired him to make his Eſcape early in the Morning, and poſt to *Edinburgh*; the Earl fail'd not to obey an Order ſo very agreeable, but was better pleaſed with the Commiſſion when he underſtoodthe Contents,which were,*That the Chancellor ſhould, with all imaginable Secreſie and Haſte, muſter what Forces he could for his Relief, for he underſtood himſelf to be* Morton's *Priſoner.* The City of *Edinburgh* reſolved to ſtand by the Chancellor and the Council, and offered both Men and Money to defend their Cauſe, and the common Cry was, Morton *has ſold us to the* Engliſh! *He has ſold our King to the Perſecutor of Queen* Mary! *He is to deliver up theKing to Queen* Elizabeth! *He gets a betterPrice for theKing,than he did for* Northumberland! *Theſe Things were every Where proclaimed aloud* by the Mob: And at the ſameTime was hawked about a very bitter Invective againſt him in Rhime,called *Captain* Cullen's *laſt Advice to his Wife.* To improve this good Humour in the Rabble to Advantage, a Declaration was publiſhed by the Chancellor, and the reſt of the Counſellors bearing,

That His Majeſty having aſſumed the Government in his own Perſon, becauſe of the great Enormities committed during the Earl of Morton's *Regency, he had appointed the Council to reſide at* Edinburgh, *for the better Adminiſtration of Juſtice. That by the Care they had taken of Affairs, all Things had gone well and peaceably, till the ſaid Earl, out of his ambitious Deſire to rule, did ſuborn ſome wicked Inſtruments to ſurpriſe the King's Houſe and Perſon at* Stirling. *Of which ſeditious Enterpriſe, although he did pretend Ignorance, yet the Progreſs of his Actions continually, ſince that Time, did too well teſtifie that he was the chief Plotter of that Buſineſs; for after his coming to Court, he had diſordered all Things, thralling the King ſo far, that none of his beſt Subjects could have free Acceſs unto Him, and uſurping the Juriſdiction of his Majeſties ordinary Council, in tranſlating the Parliament from* Edinburgh, *the principal City of the Realm, to the Caſtle of* Stirling. *Likeas, to bear out his wicked and violent Deſigns, he had of late preſumed to levy Soldiers at the King's Coſt and Charge, intending thereby to maintain his uſurped Authority, and oppreſs His Majeſties moſt obedient and loyal Subjects. In Conſideration of which Abuſes, and leſt theſe notorious Preſumptions ſhould, by their continued Patience, grow to a further Height, they had reſolved, laying aſide all Difficulties, to withſtand the Violences practiſed by him, under the Title of the King's Authority, and to hazard their Goods, Lives andLands, for the Delivery of his Majeſties Perſon out of his Thraldom; proteſting that the Inconveniencies which ſhould enſue upon the preſent Troubles ſhould not be imputed to them, in as much as they were forced into it, for their own juſt and neceſſary Defence, the Reſtitution of their native Prince to Liberty, and the delivering of the Church and Commonwealth from the Tyranny of a Man who ever ſought, and ſtill did ſeek, the Ruin and Overthrow of both.*

As ſoon as this Declaration was publiſhed, all the Country drew to Arms, Soldiers were liſted on both Sides, and Proclamations ſent to the Sheriffdoms of *Edinburgh*, *Haddingtoun*, *Linlithgow*, *Clackmanan*, *Kinroſs*, *Perth*, *Fife*, *Forfar*, *Lanerk*, *Dunbartoun*, and to the Bailliaries of *Kyle* and *Cunningham*, to be in a Readineſs, with 15 Days Proviſion, to follow the King or his Lieutenants, upon Six Hours Warning, whether they ſhould be directed (*a*).

BESIDES theſe Proclamations, ſent from *Stirling*, a Commiſſion of Lieutenancy was given to the Earl of *Angus* (*b*), with Orders to purſue

(*a*) Biſhop *Spotiſwood*'s Church Hiſtory. (*b*) Records of Council.

the Rebels with the outmoſt Rigour, for uſurping the Kings Name and Authority: A ſtrict Command was at the ſame Time ſent to the Earls of *Argyle* and *Athole*, to remove from *Edinburgh* in 24 Hours, and to retire to their reſpective Dwellings, under the Pain of high Treaſon, with this Expreſs, the Herauld brought another to the Magiſtrates of *Edinburgh*, requiring them forthwith to apprehend all ſuch as had taken Arms within their Liberties, and to ſuffer no Man in Arms to enter the ſame, unleſs ſent by the King. The Provoſt, *Archibald Stuart*, hereupon made what Haſte he could to *Stirling*, to excuſe what was paſt, proteſting, *That it was not in the Power of the Magiſtrates to ſuppreſs theſe who were in Arms for the Council, and hoped his Majeſty would not, upon that Account, entertain a bad Opinion of his ancient and loyal City.* For this Apology the Provoſt was ſent Priſoner to the Caſtle of *Down*, and *Alexander Clark* choſen Provoſt in his Room (*a*)

THO my Lord *Mortoun*'s Nephew, the Earl of *Angus*, was made Lieutenant, tho' ſo many Proclamations were put out, tho' *Argyle* and *Athole* were charged to retire to their reſpective Houſes, and tho' the Provoſt of *Edinburgh* was impriſoned, yet no Man obeyed; there came few or none to the Kings, or, as they called it, *Mortoun*'s Aſſiſtance, whilſt on the other Hand they flocked to *Edinburgh* from all Quarters of the Country, to oppoſe the Earl of *Mortoun*'s Proceedings.

THESE Things put the politick Earl to his laſt Shifts, but having the young King in his own Power, he prevailed with him to put out a Proclamation, commanding all thoſe who were in Arms to return to their reſpective Houſes, within the Space of Six Hours, promiſing a full Pardon to ſuch as obeyed (*b*). But this Proclamation ſucceeded no better than the reſt: A new one therefore was publiſhed, in which his Majeſty informed all his loving Subjects, *That it was poſitively his own Deſire to remain at* Stirling, *and ſolemnly called the Almighty GOD to Witneſs, that the Chancellor, nor any of the Lords of Council, had any ſuch Warrant from him, by Word or Writing, for levying of Men, as he or they pretended; and therefore will'd all his good Subjects to live in Peace, and not be miſled by ſuch falſe Informations.*

THIS Proclamation the Lords would not ſuffer to be publiſhed at *Edinburgh*, for they all knew that the King had ſent an expreſs Order to the contrary by the Earl of *Montroſe*, and it had no other Effect but to quicken them, to draw their Forces together, with the greater Expedition.

THE Counſellers finding themſelves in a Condition to take the Field, marched out of *Edinburgh* 4000 Strong, and encamped at *Linlithgow*, requiring the Earl to ſet the King at Liberty, and to ſuffer him to come to the Caſtle or City of *Edinburgh*, upon which they ſhould inſtantly diſband their Troops; but this was rejected as inſolent. The next Morning they began their March by Day Light, and ſtopped at *Falkirk*. The Earl of *Angus*, as the King's Lieutenant, marched out from *Stirling*, much about the ſame Time, and halted at *Callendar*, before the came in view of other: Sir *Robert Bowes* the *Engliſh* Ambaſſador, and my Lord *Morton*'s great Friend, perceiving the Kings Army was not near ſo numerous as the Counſellers, did all he could to bring the Buſineſs to an Accomodation without Blows; this Mediation for an Agreement laſted Two Days, and the Counſellers being affraid of an Army from *England*, under the Pretence of Aſſiſting the young King, whom Queen *Elizabeth* had alwiſe hitherto protected, and conſidering too, how heartily the Nation ſmarted under the Loſſes of the late War, the Matter came to this Iſſue, that both Parties ſhould disband their Forces, and that before *May* next, in

(*a*) Records of Council, *Spotiſwood*'s Hiſtory, and Mr. *Crawford*'s Memoirs. (*b*) Archbiſhop *Spotiſwood*'s Hiſtory of the Church of *Scotland*, (*c*) *Ibidem*..

in a grand Council to be held, all the Grounds and Cauſes of Complaint ſhould be examined into, and redreſſed.

ACCORDING to Agreement in *April*, 1579. moſt of the Nobility of either-ſide, met at *Stirling*, to perfect the intended Agreement, the Buſineſs ſeemingly ſucceeded, and to avoid Blows, every Man put the beſt Face upon it the Affair could bear. The Earl of *Morton*, as a Proof of his Sincerity, invited the Chancellor, and ſeveral others, to as ſplendid an Intertainment as the Place could afford. While they were drinking hard, as the Story runs (*a*), he took the Opportunity of conveying a deadly Poiſon into the Chancellor's Glaſs, which in Four Days Time ſent him into another World. Tho' the Chancellor's Death was laid at the Earl of *Morton*'s Door, yet in Charity we ought to believe he was innocent of it, ſince in the moſt ſolemn Manner he declared ſo much on the Word of a dying Man, the very Day of his Execution (*b*); yet the Chancellor's Friends were ſo heartily perſwaded that he had got foul Play, that they ſent immediately for Phyſicians and Surgeons to *Edinburgh*, to open and view the Body which lay at *Kincardine*; *Morton*, to remove all Manner of Suſpicion, had theſe examined upon Oath before the Council, and tho' they ſolemnly declared, that they found no Marks of Poyſon, or of any other Violence done to the Deceaſt, yet the Counteſs of *Athole*, and the young Earl her Son, formally entered a Proteſtation, *That the Trial of the Council ſhould not prejudge the Criminal Purſuit, which they intended before the Juſtice-general* (*c*).

The Chancellors Death, however gave the Earl of *Morton* a new Opportunity once more, of ruling the young King, and modeling the Court to his Devotion, which he managed ſo artfully to his own Ends, that he did not now deſpair of being once more formidably great, and of trampling all his Enemies under his Feet.

THE *Hamiltons* were now the only Enemies he was moſt affraid of, they were a powerful Family, and had been ill uſed by him, both before and during the Time of his Regency (tho' by the by, he and the Duke of *Chatlerault* were Brothers in Law) and therefore he never could think himſelf ſecure till he ſhould accompliſh their utter Deſtruction, and to put it effectually out of their Power, to reſent the many ill Offices he had done them: But now, that all Things anſwered his Wiſhes, the Opportunity was not to be loſt.

TO begin the Matter, the old Counteſs of *Mar* his good Friend, who kept Houſe with the King at *Stirling*-Caſtle, and the young Earl her Son, daily laid before his Majeſty, the Earl of *Morton*'s great Services, the mighty Number of Enemies he had withſtood in his Service, eſpecially the *Hamiltons*, who being declared next Heirs to the Crown, had eſpouſed the Mother's Cauſe, only in Hopes to deſtroy the Son. That they were too powerful, and the Royal Family could never be ſafe, unleſs ſome Way or other were ſpeedily found out, to humble them. The young King thus ſeaſoned and prepared, the Earl of *Morton* comes in to give the finiſhing Stroke; and to puſh the Matter Home, the Method to deſtroy them, he ſaid, was both ſafe and obvious, and his Majeſty had both Law and Juſtice on his Side, they were concerned in the Murder of two of his Regents, *Murray* and *Lennox*, and the Sentence of Forfaulture that had been pronounced againſt them upon that Account, ſtood yet firm, ſince it could never be repealed, but by Act of Parliament.

THE Buſineſs was propoſed in Council, and eaſily agreed to, the only Diſpute was, whether or not the *Hamiltons* ſhould be ſummoned

(*a*) Biſhop *Spotiſwood*'s Hiſtory. (*b*) Mr. *David Hume*'s Hiſtory of the Houſe of *Douglaſs*. (*c*) Records of the Council in the Signet Office.

to anſwer, and a formal Proceſs, anew, commenced againſt them: But a Summons being a fair Warning to provide for their Safety by Flight, that was by the Earl of *Morton*'s Intereſt over-ruled. The next Difficulty was, to whom the Commiſſion ſhould be given to apprehend them, but this was ſoon removed too; for the Earl of *Morton* being ſatisfied to make one of the Number, his Friends readily offered their Aſſiſtance. The Commiſſion then was given to the Earls of *Morton*, *Mar* and *Eglinton*, and to the Lords *Ruthven*, *Cathcart* and *Boyd*; to facilitate the Execution of the Project, Soldiers had been hired before Hand, and kept diſperſed in the Country; ſo that they were always ready to march, whither they ſhould be directed, upon a few Days Warning: But tho' the Buſineſs was carried on with all the Secrecy and Expedition imaginable; yet Lord *John Hamilton* and his Brother Lord *Claud* got Notice of the Deſign, and to avoid the Storm that threatned them both, fled the Country, the one to *France*, and the other to *England*, where they moſtly ſojourned, till ſeveral Years after the Death of their grand Enemy the Earl of *Morton* *Anno* 1585 (*a*).

THUS far all went well, but the Plot not being deep enough to affect the Earl of *Arran*, the elder Brother of the two baniſhed Lords, a Complaint muſt be prefer'd in his, and the King's Advocates Name, bearing, *That the ſaid Earl was detained a cloſe Priſoner by his two Brothers in the Caſtle of* Draffan, *and barred the Benefit of Succeſſion, his Sheriffdom of* Lanerk *uſurp'd, with a great deal more to the ſame Purpoſe.* Upon this Complaint, a Party is ſent to demand the Caſtle in the King's Name, and to ſet the Earl at Liberty, his Servants made what Defence they could, to keep their Maſter out of the Hands of his Enemies, but at laſt were forced to yield, the Reſiſtance, (which was the main Thing in the Plot) was expounded the Earl's proper Fact and Deed: Whereupon he was forfaulted, *An Act of the greateſt Injuſtice*, ſays a learned and reverend Hiſtorian, *that could be done* (*b*); for all this While the Reader is to know, that this Earl was *non compos mentis*; and ſo could not come under the Laſh of any Law, much leſs for Crimes he had never committed. Theſe Things were likely at laſt to put the Kingdom into a Ferment, as an open and manifeſt Breach of the Treaty of Pacification; but to ſalve up the Matter, *Morton* had a Declaration ready, which was publiſhed in the King's Name, *That what was done in the preſent Purſuit, was only for the Murther of his Father and Regents, (unto which, both in Honour and Conſcience he was tied) and that no Article of the Treaty ſhould be infring'd or called in Queſtion.*

ABOUT this Time, in the latter End of the Year 1579, arrived Monſieur *d'Aubignie* from *France*, the Gentleman was the King's Father's Couſin-German, and came to pay him a Viſit. He was very graciouſly

(*a*) Biſhop *Spotiſwood*, as well as Sir *John Scot* of *Scotſtarvit*, who lived near theſe Times, tell us, That that which induced the Earl of *Morton* to proſecute the Family of *Hamilton*, with ſuch unrelenting Animoſity, was, *That he had got a Reſponſe*, as they call it, *that the Heart meaning himſelf* (a Heart being the principal Figure in his Coat of Arms) *ſhould fall by the Mouth of* Arran: And therefore, to diſappoint the *Prediction*, as the Arch-Biſhop calls it, he bent all his Thoughts from thenceforth, to work the utter Ruin of that illuſtrious Family, imagining, he could never be ſecure, while there was any one of them left, Root or Branch: But as it generally falls out in thoſe Kind of Enquiries, he found himſelf ſignally deceived, for his Ruin and Overthrow came about by another *Arran*, Captain *Stewart*, who then had got the Title, whom he could not have in his View to be advanced to that Dignity: So much is certain from the Reverend Hiſtorian I have juſt now mentioned, that when he read Captain *Stewart*'s Name as Earl of *Arran* in the Commiſſion, to carry him from *Dumbarton* to *Edinburgh*, in Order to his Trial, it ſtunned him exceedingly, and in the Surprize, he enquired who that Earl of *Arran* was, knowing the true Earl was *non compos mentis*, forfaulted, and a Priſoner too, they told him Captain *Stewart* was the Man; after a little Pauſe he ſaid, *I know then, what I may look for*, and from that Moment he look'd on himſelf, *as a dead Man, and gave over all Hope of Life.* (*b*) Biſhop *Spotiſwood.*

buſly received by his Majeſty, and, quickly after his Arrival, was made Earl of *Lennox*; and having with very little Difficulty rendred himſelf exceeding gracious to the King, it was now viſible and apparent, he worm'd my Lord *Morton* apace out of his Majeſty's Favour; this put the Earl to his laſt Shifts, how to keep the young King, and with him the ſole Power ſtill in his own Hands, but he was too wiſe a Man, not to ſee his declining Greatneſs; for in the Parliament which met on the Day it had been adjourned to, every Thing he propoſed, tho' in itſelf juſt and reaſonable, was ſlighted and oppoſed: All this he believed entirely owing to *Lennox*'s Intereſt with the King, and twenty ſeveral Ways were attempted to undermine him. It was preſently buzz'd about, that *Lennox* being of the *Romiſh* Faith, his only Buſineſs in *Scotland*, was to pervert the King from the eſtabliſhed Religion; but his turning Proteſtant, quickly thereafter defeat the Plot againſt him at that Time, and the King ſuſpecting that *Morton* was at the Bottom of it, grew ſtill colder toward him, inſomuchas, finding his Intereſt much ſunk at Home, he applied himſelf to the *Engliſh* Court, where he had many Friends, who wiſhed to ſee the Government of *Scotland* again in his Hands. His Deſign was, as the Story went, to have put the young King into Queen *Elizabeth*'s Hands (*a*); and then with the Aſſiſtance of an *Engliſh* Army, once more to have brought his Enemies under his Power (*b*): He had not however carried on this Buſineſs with that Secrecy he imagined, ſome Body or other prov'd too quick ſighted for him, and the Deſign immediately took Air; it was preſently rumoured over the whole Kingdom, *that* Morton *kept a ſecret Correſpondence with Queen* Elizabeth, *and deſigned to put the young King into her Hands, and to call in an* Engliſh *Army, and like another* Baliol *poſſeſs the Kingdom, as a Reward of his Treachery* (*c*). *Morton* as if it had been all a Sham, complained in Council of this Hardſhip, and deſir'd he might be brought to a Trial, to remove the unjuſt Scandal; but the King and Council knew too well, that a Buſineſs of this Nature was not to be eaſily proved, and aſſured him, they looked upon it as a Fiction, and the mere Contrivance of his Enemies; upon which a Proclamation was immediately put out, *againſt Lies, and Diſperſers of Tales, tending to create Diſcord betwixt his Majeſty, and any of his Nobility.*

THIS Proclamation was only a Blind, to keep the Earl from diſcovering the Uneaſineſs of the Court; for, at the ſame Time to prevent any ſudden Attempt againſt his Majeſty's Perſon, it was moved in Council, that an high Chamberlain ſhould be appointed to attend his Majeſty at all Times, with twenty four Gentlemen of Quality under his Command. The Propoſal was unanimouſly approved, and the Earl of *Lennox* honoured with the Poſt.

Morton eaſily ſaw through this thin Diſguiſe, and gheſſed they were but too well informed of his Deſign; but diſſembling the Matter the beſt he could, he ſeemed to be eaſie, and waited conſtantly upon the King and Council, as if he had not at all miſtruſted them, or believed himſelf ſuſpected by them, and his Coreſpondence with the Court of *England* went on at the old Rate, the Story however was almoſt huſh'd, when Sir *Robert Bowes* came down again Queen *Elizabeth*'s Ambaſſador. His Arrival gave a new Life to the decayed Rumour, and every Body cryed out, *That* Morton *and he had made up the Plot at* Stirling, *that* Bowes's *ſudden departure from thence was only to concert the Meaſures for the Execution of the Deſign with his Miſtreſs, and that his Return now was to manage the Buſineſs by Word of Mouth, becauſe* Morton *was ſuſpected, and it was not ſafe to write to him, leſt the* Scots

(*a*) Biſhop *Spotiſwood*, Page 309. (*b*) Mr. *David Crawford*'s Memoirs. (*c*) *Ibidem*, Page 359.

Court ſhould Intercept the Letters, or the Meſſenger ſhould betray his Truſt.

THESE Things however could only be gheſſed at, but were no longer looked upon as bare Conjectures, when the Ambaſſadors Errand came to be known, which was, *To charge the Earl of* Lennox *with ſome Practices againſt the Peace eſtabliſhed betwixt the Two Kingdoms*, then indeed was the Earl's Correſpondence with the *Engliſh* Court too obvious, and what under-hand Dealings were betwixt him and the Miniſters of that Country. The Council in the mean Time fairly queſtioned *Bowes*'s Commiſſion, and deſired him to produce that and his Inſtructions, but he refuſed to ſhew either of them but to the King himſelf, and was thereupon ſent back without being permitted to come to Court.

THIS confirm'd every Body in what before was but ſhrewdly ſuſpected; and *Alexander Hume* of *Northberwick* is inſtantly diſpatched to *England*, to inform Queen *Elizabeth* why *Bowes* was denied Audience; and to know what theſe Crimes were which *Lennox* was accuſed of. But, to be ſhort, Mr *Hume* was denyed Acceſs to that Queen, and remitted to Her Treaſurer for Satisfaction, who told him, *That his Miſtreſs could not but reſent the Affront put upon her Ambaſſador, and be ſorry to ſee Her Couſin the King of* Scots *ſhould be miſled by* Lennox, *who was a Subject of* France, *a Papiſt, married to a* French *Woman, and who would endeavour to deſtroy the Peace betwixt the Two Kingdoms*, and a great Deal more to the ſame Purpoſe, adding, as if by chance, *That there were more dangerous Plots in Hand, than the King of* Scots *was aware of.*

UPON Mr. *Humes* Return, and the *Engliſh* Queen refuſing to ſee him, the Court grew more jealous of *Morton* than ever (*a*), and the laſt Sentence of the Treaſurer's Speech was taken to be nothing but the Plot managed by *Morton*, to betray the young King's Perſon into the Hands of the *Engliſh*; this was too plainly believed not to produce fatal Conſequences to the Perſon guilty, or ſuſpected to be ſo, the Buſineſs of the Correſpondence with the Court of *England*, 'tis true, might have been made a Handle to deſtroy him, but that was not to be eaſily proved, at leaſt, without a Breach of the Peace, which was by no Means ſafe, beſides, a tender regard was always had to the Buſineſs of the Succeſſion; and whatever might have been penal to him either the Time of his Regency, or before, was all comprehended and diſcharged in his Remiſſion, ſo that the Court neither thinking the King, themſelves, nor the Nation ſecure, without his Deſtruction, were put to a Thouſand Thoughts, how to compaſs it in a ſeeming Way of Juſtice: Therefore, to avoid all theſe Inconveniencies, and to do the Buſineſs effectually, a Crime was ſoon found out, which no Man could ſuppoſe to be comprehended in the Remiſſion, and which it was preſumed would make the Queen of *England* ſhy to uſe Her Intereſt openly in his Behalf; That was to accuſe him of being acceſſary to the Murder of the Kings Father, which was founded upon a Letter writen by him to Sir *James Balfour*, who was himſelf one of the Regicides, but now to ruin his old Friend, who had ſaved him from being proſecuted for the ſame Crime before, and to make his own Peace with the Court, he produced (*b*); and all Things being ready and prepared before hand, the King called a Council at *Holyroodhouſe*, upon the Penult Day of *December*. 1580. but they were hardly met when Captain *James Stuart* entred the Room, and falling down upon his Knees, addreſt the King to this Purpoſe.

"THE Senſe of that Duty I owe to "your Majeſty, brings me to this "Place, to diſcover a Crime which has "hitherto been concealed by the Pow-"er and Intereſt of the Author: The Earl

(*a*) *Spotiſwood.* (*b*) Sir *John Scots* Memoirs of the States-men of *Scotland*, from the 1550. to the 1650. *M. S. penes me.*

" Earl of *Morton* was one of theſe, who " conſpired the Death of your Ma- " jeſty's Father, and how dangerous " it is to ſuffer ſuch a Man to be near " your Majeſty's Perſon, and one of " your Council, let the Nobleman " here preſent conſider. As for what " I have ſaid, let the Earl be but once " ſecured, and brought to his Trial, " I ſhall either make it good, or wil- " lingly undergo that Puniſhment the " Law inflicts upon thoſe, who un- " juſtly endeavour to rob a Man of " his Reputation, Life and Fortune."

THE Earl with all imaginable Aſſurance, and with a ſcornful Smile, inſtantly roſe up, and in few Words told the King, *That he knew not who had perſwaded Captain Stewart to accuſe him of a Crime, of which he was wholly innocent, and had moſt ſeverely puniſh'd in others; but that either there, or before any other Judge, he was ready to anſwer, and doubted not, but from his Innocence, His Majeſty ſhould be fully convinc'd of the Captain's Raſhneſs, and the Malice of his Enemies.*

CAPTAIN *Stewart* all this while upon his Knees replied, *That he had not mov'd in this Affair upon the Score of private Malice or Pique, but out of a juſt Regard to His Majeſty's Honour and Safety, and a ſincere Deteſtation of the Fact.* But added he, *If the Earl of* Mortoun *has ſeverely puniſh'd others for this Murder; Why did he prefer his Couſin Mr.* Archibald Douglas, *to be a Senator of the College of Juſtice, who was known, by all Men, to be one of the Parricides?*

TO this *Mortoun* was ready to anſwer, but the King order'd both him and the Captain to be remov'd: The Buſineſs requir'd not Time, or any Debate; for inſtantly the Earl was confin'd to one of the Chambers of the Palace, where he ſtay'd two Nights; the Third, he was removed to the Caſtle of *Edinburgh*; and after, ſome Days from thence, to the Caſtle of *Dumbartoun*, of which his Enemy, the Earl of *Lennox*, was Governour, but not by Gift of the Crown, but by Inheritance, and Sir *William Stewart* of *Traquair*, Conſtable. Orders were at the ſame Time given out to apprehend Mr. *Archibald Douglas*, Parſon of *Glaſgow*, who was then with his Wife the Miſtreſs of *Caithneſs*, the Earl of *Bothwel*'s Siſter, at the Caſtle of *Morham(a)*. But being warn'd of the approaching Danger, by a Gentleman of his own Name, he made his Eſcape into *England*, tho' he found Means afterwards to make his Peace with the Court.

IN *January* 1581, Sir *Thomas Randolph* came down Ambaſſador from the Queen of *England*, to interceed with the King for *Mortoun*'s Liberty. He made His Majeſty one Day a very long Speech, enumerating all the Earl's great Services to the Crown, and his Country; *Lennox*'s Proceedings, the Danger of being at Odds with *England*, &c. and in the End requeſted His Majeſty, in the Name of the Queen his Miſtreſs, to reſtore the Earl of *Mortoun* to his Freedom, being commanded to aſſure him, *She would look upon this as a ſingular Favour and Kindneſs done to her; and if it was denied, ſhe could not but take it in very ill Part.*

THE King heard him out very patiently; and without taking Notice of his Digreſſion about *Lennox*, replied very calmly, *That the many good Offices that he had received from his Couſin the Queen of* England, *made him long for an Opportunity of repaying them; and he was ſorry it did not offer now. But this Particular, his Father's Murder, touch'd him ſo very near, he knew ſhe would excuſe him: However, he would take Care, becauſe ſhe interceeded for him, to have his Trial carried on with all imaginable Caution: And as Liberty had been given to the Earl of* Mortoun's *Adverſaries to accuſe him; ſo the ſame, and greater, ſhould be allowed him for his Defence.*

A Parliament being called about this Time, *Randolph*, who found he could do nothing with the King, would endeavour to influence the Eſtates; and made

(a) Records of the Privy Council.

a Speech, wherein he told them, *He was commanded by his Miſtreſs the Queen of* England, *to embrace this Opportunity of informing them, that the Earl of* Lennox *has ever ſince his coming to* Scotland, *amongſt many other ill Offices to the King and Kingdom, particulary endeavoured to alienate His Majeſty, from a friendly Correſpondence with* England, *he has turn'd out all His Majeſty's moſt faithful Servants out of Employment, taught him to deſpiſe his Clergy, and look upon the moſt zealous Miniſters of the Word, as ſo many Sowers of Sedition, and Trumpeters of Rebellion: He has turn'd the Borderers looſe, robbed Juſtice of her Sword, and under-hand practiſed with foreign Princes, to invade the Kingdom of* England. *Think not, my Lords, that I urge theſe Things upon ſlight Grounds; here are ſome of his Letters now in my Hands, which were happily intercepted, and may be peruſed by your Lordſhips, if required. It is with no ſmall Grief and Concern, that Her Majeſty of* England *ſees a young Prince of ſuch rare Hopes, Her Relation, and one for whom ſhe has hitherto taken ſo much Care, thus miſled by His and Her Enemies. But, my Lords, if ſuch a Perſon as* Lennox *ought to be ſuffered to abuſe your King, and to rule the Nations at his Pleaſure, your Lordſhips are beſt able to judge (a).* This Speech had little or no Influence; *The wiſer Sort (*ſays Biſhop *Spotiſwood) eſteeming the Letters he produced counterfeit, as afterwards alſo was known.* Theſe Methods of Procedure not prevailing, he dealt privately with ſuch of the Nobility, as were the Earl of *Mortoun*'s Friends, or envied *Lennox*'s Greatneſs, to take Arms to procure *Mortoun*'s Liberty, and *Lennox*'s Baniſhment, as a notable Service to their King and Country; aſſuring them, they ſhould neither want Men nor Money from *England*, to ſupport the Enterpriſe: Upon theſe Aſſurances, the Earls of *Angus*, *Mar*, *Glencairn*, &c. *(b)* entred into a Conſpiracy for that End: But the Plot being ſoon found out, and their Meaſures diſconcerted, it came to nothing; the King who was naturally merciful, very readily pardoned ſuch of them, as returned to their Duty. But all thoſe who ſtood up for *Mortoun* above Board, were now proſecuted with the utmoſt Severity. The Earl of *Angus* his Nephew was confin'd beyond the River of *Spey*. The Laird of *Lochleven* benorth the Water of *Cromarty*. The Laird of *Johnſton* was turned out of his Office of Warden of the Weſt Marches. *Angus*, for not entring himſelf beyond *Spey*, at the Time prefix'd, was denounc'd a Traitor. The Lairds of *Carmichael* and *Mains*, with two of the Earl's baſe Sons, were ſummon'd to appear before the Council; and none of them obeying, they were proclaim'd Rebels, and all His Majeſty's Subjects diſcharged to conceal or aſſiſt them, under the Pain of Treaſon *(c)*.

From theſe Proceedings, the Ambaſſador gueſs'd the Humour of the Court, and ſaw that they were not at this Time to be hector'd with big Words; and fearing to meet with rough Treatment for his Forgery, and under-hand Practices, he ſlipt away in the Night-time, and got undiſcovered into *Berwick*: Sir *John Seaton*, the King's Maſter of Horſe, was ſent after him, to complain of his baſe Practices; but Sir *John* was ſtopped at *Berwick*, and not permitted to go any further.

This mighty Buſtle on the *Engliſh* Side, upon the Earl of *Mortoun*'s Account, not only enſur'd, but haſten'd his Deſtruction, by rooting in every Man a firm Belief of his Correſpondence ſo often mentioned, and his Deſign of betraying the King into the Hands of the *Engliſh*. To remove therefore the Cauſe and the Danger at once, an Order is given to the Earl of *Montroſe*, and to Captain *Stewart*, juſt then created Earl of *Arran*, to bring him with a ſtrong Guard from *Dumbartoun*

(a) Biſhop Spotiſwood's Hiſtory, and Mr. Crawfurd's Memoirs. (b) Biſhop Spotiſwood. The Reverend Author, ſeems to be miſtaken in naming Argyle and Montroſe to be among the Conſpirators, for Mortoun's Relief, they were none of his Friends; Argyle had contributed exceedingly to diſpoſſeſs him of the Regency, and had always oppoſed him, and for Montroſe, he was his implacable Enemy, and proſecuted him to Death. (c) Records of the Privy Council.

bartoun to *Edinburgh*, which was accordingly performed the 27 of *May* 1581.

THE firſt Day of *June*, the Earl was brought to his Trial, and charged with conſpiring and concealing the Murder of the late King *Henry*, and in being *Art and Part*, as they expreſs'd it, in committing the ſame: He heard the Indictment read with that Courage and Preſence of Mind that ever was natural to him, and pleaded *not guilty*. When the Jurors were called, he excepted againſt the Earl of *Argyle*, the Lord *Seaton*, and the Laird of *Wachtoun*; but theſe having purg'd themſelves by Oath of all Malice and partial Counſel, &c. were admitted.

WHEN the Jury was ſworn, they retir'd from the Court, and ſtayed but a very ſhort While: Upon their Return, the Earl of *Montroſe*, their Foreman or Chancellor of the Aſſize, declar'd him *convicted of Counſel, Concealing, and of being Art and Part of King* Henry's *Murder (a)*: This is very probable, was more than the Earl expected, for unable to conceal his Surpriſe, he beat the Ground twice or thrice with his Cane, and cried with ſome Heat, *Art and Part! Art and Part! God knows it is not ſo.* When Sentence was pronounced againſt him, that he ſhould be taken next Day to the Market-Croſs, hang'd on a Gibbet, have his Head cut off, his Body quartered, &c. he utter'd not one Word; but aſſuming his former Calmneſs, ſmil'd upon thoſe about him.

MR. *Lawſon* and other two or three Miniſters were ſent early next Morning, being the ſecond of *June*, to wait upon him from the King, and to exhort him to diſburden his Conſcience, by a plain Confeſſion of his Guilt; to which he anſwered with the deepeſt Aſſeveration.

THAT upon his Return from England, *becauſe of Seigneur* Davie's *Slaughter, the Earl of* Bothwel *came to him at* Whittinghame, *and propoſed the Murder of the King to him, ſaying, The Queen would have the King taken away; for that ſhe blam'd him more for* Davie's *Murder, than all the reſt of the Actors; and asked what would be my Part therein. I made him this Anſwer, That being newly reliev'd of a great Trouble, I would not willingly enter into another; and that I would have no Meddling in that Buſineſs: He not ſatisfied with my Anſwer, inſiſted to have me conſent, ſaying, The Queen would have it done; if it be ſo, ſaid I, bring me the Queen's Hand-writing, that I may know it is her own Mind: This he never did; and if he had brought it, I was fully reſolved to have turn'd my Back upon* Scotland, *and baniſh'd my ſelf, till I ſaw better Things. As to Mr.* Archibald Douglas *his Couſin, he ſaid he knew he was engaged in the Murder before it was committed; and that after it was done, he told him that he had accompanied* Bothwel *and* Huntly *to the Place, and aſſiſted them in the Execution of the Fact; therefore cannot I deny,* ſaid he, *that I foreknew and concealed the ſame: But to whom ſhould I have revealed it, for the King, tho' he had been advertiſed of the Danger, would not have believ'd it? But as I wiſh God to be merciful to me, now, at my laſt, I never gave Counſel nor Conſent thereto.* Upon which the Miniſter told him, that, by his own Confeſſion, he merited Death, being guilty of Foreknowledge, and concealing the Murder of his Prince: He acknowledged that to be true; *But Sir,* ſaid he, *if I had been as innocent as St.* Stephen, *or as guilty as* Judas, *I muſt have come to the Scaffold. But I ſtand not to my Juſtification, being aſſur'd, however Men have carried themſelves in it, God hath dealt juſtly with me, and that I am to ſuffer nothing but what I have merited, yea worſe (b).* Upon this Confeſſion, which amounted to more than was expected from him, his Sentence was chang'd from Hanging to Beheading, to encourage him to a plainer Diſcovery.

ABOUT two a Clock in the Afternoon, he was brought under a ſtrong Guard, commanded by Captain *Stewart*,

(a) Spotiſwood, Hume, Crawfurd, &c. (b) Biſhop Spotiſwood.

the Earl of *Arran*, to the Place of Execution. Assoon as he mounted the Scaffold, the Captain desired he might be reconcil'd to him; and solemnly protested he had done nothing against his Lordship out of Malice, or any private Pique: Sir, said he, *This is not a fit Place to reckon Quarrels in, I forgive you and all Men.* Here he repeted to the People the Sum of what he had confess'd to the Ministers; and desir'd their Prayers in his Behalf. As to the Business of the Correspondence, he own'd that he design'd to have sent the King to *England*, but it was only to secure the Succession to him of that Crown, by being bred up amongst them. He spent about Half an Hour in praying by himself; and then laying down his Head upon the Block, and crying with a low Voice, *Lord Jesus receive my Soul*, the Maiden struck off his Head. His Body lay from Four a Clock, till almost Eight at Night, covered with an old blew Cloak, not one appearing upon the Place, to shew his Gratitude, for some good Office past, or to express the least Sign of Mourning for his Misfortune. When it was about Dark, the Body was carried off to the Grave by common Porters, and such as attend the Corps of the meanest Malefactors after Execution; and his Head, next Day, betwixt the Hours of Eleven and Twelve in the Forenoon, was fixed upon the most eminent Part of the Tolbooth.

"NEVER was there seen, *says* "*Bishop Spotiswood*, a more notable "Example of Fortune's Mutability "than in the Earl of *Morton*: He, "who a few Years before, had been "reverenc'd of all Men, and fear'd "as a King, abounding in Wealth, "Honour, and Number of Friends "and Followers, was now, at his End, "forsaken by all, and made the very "Scorn of Fortune, to teach Men, "*adds he*, how little Stability there "is in Honour, Wealth, Friendship, "and the rest of these worldly Things, "Men so much admire. *He further* "*describes the Regent to have been* "of a low Stature, Handsome, of "a graceful Countenance, and of "singular Courage, whereof he "gave many Proofs in the Time of "the Civil Troubles; wise and able "for Government, a Lover of Justice, "Order and Policy; but inclin'd to "Covetousness, which the Wants and "Necessity he endur'd in his younger "Years, was thought to have caused, "and given too much to the Plea-"sures of the Flesh, as at his Death "he acknowledged with great Re-"morse:" In one Thing, he was nevertheless most happy, that he died truly penitent, and with that Courage and Resignation, which became a great Man, and a good Christian, and in the full Assurance of a blessed Immortality.

Archibald Earl of *Argyle*.

THIS noble Lord was the only Son of *Archibald* IV. Earl of *Argyle*, by the Lady *Helen Hamilton* his Wife, Daughter of *James* I. Earl of *Arran*, and Sister to the Duke of *Chatlerault*: Having, by the Care of his Father, got a very pious, as well as a liberal Education, under the Direction of the learned Mr. *Douglas*, who was afterward the first Protestant Arch-Bishop of St. *Andrews*, he came very quickly to acquire the Reputation, and the Character of a Nobleman, of as superlative Judgment, and of as consummated Parts and Abilities, as any that Age had, and was a very great Instrument in the Hand of GOD, for the promoting and establishing the Reformation of Religion in the Kingdom, as will more fully appear in the Sequel of his Life.

BY the Time the Earl succeeded his Father in the 1558, in all Parts of the Nation, especially in the Towns, and in the Families of the Nobility and Gentry, the Reformation had been received, and secretly profes's'd: But finding now their Interest was great over all the Kingdom, and the much greater Part of the Nation exceedingly disposed toward it, they came now to consult what to do to advance this great Work. They

They began very dutifully with petitioning the Queen Regent, That the Worſhip of God might be in the vulgar Tongue, and the Communion given in both Kinds: That there ſhould be great Care taken in the Election of Miniſters, that it might be according to the Cuſtom of the primitive Church; and that ſcandalous Miniſters might be removed, and more worthy Men put in their Places (*a*). But this Addreſs not meeting with Succeſs, this noble Earl was one of the Peers, who engaged in an Aſſociation to aſſiſt each other, and venture their Lives and Fortunes in the Defence of the true Religion they now openly profeſs'd. After ſome Debate, they came to this Reſolution, *That all the Curates of Pariſhes ſhould be obliged to read the Prayers, and Leſſons of the Old and New Teſtament, on* Sundays, *and other Feſtivals, purſuant to the Form ſet forth in the Book of Common Prayers: And in caſe they refuſed to comply, that then thoſe of the Pariſhoners who were beſt qualified, ſhould perform that Office. But as for preaching and expounding the Scriptures, that ſhould be done only in private Houſes, till God ſhould diſpoſe the Queen to give further Liberty.*

THE Clergy were very much alarm'd, and complain'd of theſe Proceedings to the Regent; to ſatisfie them, ſhe told them, the preſent Juncture was no proper Time for Redreſs; but that it would not be long before an Opportunity would offer. It was Reaſons of State at this Time clog'd the Queen's Zeal; for the Seſſion of Parliament drawing near, where ſhe had it in her View to get the Matrimonial Crown for the *Dauphine*, or, as it was explain'd in the Act of Parliament that granted it, that he ſhould be King of *Scotland* during Life; and the Naturalization of the *French* was to paſs, ſhe courted the Proteſtant Lords for their Aſſiſtance, to carry her Point: And therefore, to keep them in Hopes, ſhe allowed them now their Service and Prayers in the vulgar Tongue, upon Condition, *they held no publick Meetings in* Edinburgh, or *Leith*.

THIS Indulgence very much ſhock'd the Popiſh Clergy; and when the Articles were brought to them, they refuſed to give their Conſent; however, they offer'd a Conference with the *Reformers*, upon the Points in Controverſy betwixt them, and which they agreed to upon two Conditions: One was, *That the Scriptures might be the Rule for deciding the Controverſy*: The other, *That ſuch of their Brethren as were baniſh'd, or lay under other Cenſures, might aſſiſt at the Diſpute, and have a ſafe Conduct for that Purpoſe*. But the Clergy refuſed to comply with either of theſe Terms: They would try the Cauſe by no other Records, than *Councils* and *Canon Law*, neither would they relax any Eccleſiaſtical Cenſure: Some of them, however, were more pliable, and came further toward an Accommodation; they told the Reformers, That if the cuſtomary Reverence to the *Maſs* might be continued, if they would own *Purgatory*, *Invocation of Saints*, *and Prayers for the Dead*, they ſhould be allowed to pray, and adminiſter the Sacraments, in the Language of the Country. But theſe Demands being look'd on as extravagant, were rejected without further Anſwer.

AT the Meeting of the Parliament, thoſe of the Congregation, for ſo the Reformers were called, preſented the following Articles to the Queen Regent.

I. *THEY deſir'd that all ſuch Acts of Parliament, as impower'd Churchmen to proceed againſt Hereticks, might be repealed, or at leaſt ſuſpended and diſpenſed with, till the Controverſies between the Papiſts and the Proteſtants ſhould be determin'd in a lawful General Council.*

II. *THAT Hereſy and Misbelief might be tried by the Temporal Judges: And that Prelates and their Officers might only be allowed to proſecute.*

(*a*) Biſhop Spotiſwood, Mr. Knox, Mr. Collier, Biſhop Burnet, &c. and the Records of Parliament and Council compared.

III. *THAT legal Exception againſt the Evidence, and all other fair Methods of Defence, might be granted the Parties accuſed.*

IV. *THAT the Declaration of the Perſon charged with Hereſy, ſhould be believ'd before the Counter-teſtimony of any other Witneſs whatſoever.*

V. *THAT none ſhould be condemned for Hereſy, unleſs that Crime could be proved upon them by the Holy Scriptures.*

THE Queen diſmiſſed the Addreſſers with a general Anſwer, which look'd favourably enough. She told them, It was neceſſary for her to keep on the Reſerve at preſent: That if ſhe ſhould diſcover her Mind, the Spiritual State would croſs her Meaſures, and diſappoint her Buſineſs in Parliament; but when the publick Affairs were over, they ſhould be ſenſible how well ſhe ſtood affected toward them.

THE Reformers, by this Anſwer, underſtanding their Articles would never paſs the Royal Aſſent; for this Reaſon declined preſenting them to the Parliament: However, reſolving to puſh the Matter as far as it would go, they made a Proteſtation, declaring *their Deſires of a Reformation*; *and that if, upon the Denial of it, Abuſes were removed violently, they were not to be blam'd, who had begun thus, in a modeſt Way, to petition for it.*

THE Queen having gain'd Her Point in Parliament, the Buſineſs of the Matrimonial Crown, and principally by Means of the Earl of *Argyle*, the Prior of St. *Andrews*, and other Proteſtant Lords *(a)*, upon the Aſſurances ſhe had given them, that they ſhould enjoy the free Exerciſes of Religion: She ſoon forgot all her Promiſes, threw off the Mask, and it became now viſible, She intended to proceed to Extremities, and to gratifie the Popiſh Clergy, reſolved to revoke all that had been granted to the Reformed. She began with the Congregation Miniſters, Mr. *Knox*. Mr. *Willock*, and Mr. *Douglas*; and upon the Pretence they had been the Authors of ſome Ferments up and down the Country laſt Year, were all ſummon'd to appear at *Stirling*, to anſwer ſuch Miſdemeanours, as ſhould be charg'd upon them. When this was done, the Earl of *Glencairn* went to her in Name of the reſt, and asked her the Reaſon of that Way of Proceeding: She anſwered him in Paſſion, *That maugre them, and all that would take Part with them; theſe Preachers ſhould be baniſh'd* Scotland, *though they preach'd as ſoundly as ever St.* Paul *did.* Upon this he remembred her of the Promiſes ſhe had often made them of kinder Uſage. Her Paſſion growing warmer upon this Suggeſtion, ſhe told him, *That the Promiſes of Princes ſhould be no further ſtrain'd, than ſeem'd convenient for them to perform.* To this he replied, *That if Her Majeſty was reſolved not to keep Her Word with the Subjects, the Relation between them was diſcharged; and that they would no longer own Her Authority (b).* This threatning Language ſoftned Her a little; and after a ſhort Pauſe, She let him know She would think further, and apply to gentler Expedients. That very Night ſhe heard, that, in the Town of St. *Johnſtoun*, the Reformers had Sermons openly in the Churches. Upon which, She ordered the Lord *Ruthven*, the Provoſt of the Town, to put a Stop to theſe Novelties: His Lordſhip anſwer'd, He had Power over their Bodies and Eſtates, but could not govern their Conſciences: Upon which She vow'd, She would ere long make both him and them repent it *(c)*.

WHEN the Time drew nigh for the Miniſters appearing at *Stirling*, great Numbers of their Perſwaſion made ready to go along with them. The Queen hearing this, ſent Word to them to go home, for She would not proceed in the Citation: Many of them, upon that, returned to their Homes, but others went to St. *Johnſtoun*; yet upon their not appearing on the Day to which they were cited, contrary

(*a*) Buchanan. (*b*) Memoirs of the Reformation M. S. penes me. (*c*) Buchanan, Spotiſwood, Knox, Burnet, Collier, &c.

rary to Her Promiſe, they were de-clar'd Rebels: This Way of Procedure made many leave Her, and go over to the Reformers at St. *Johnſtoun*.

Mr. *Knox*, who was now at *Perth* with the Lords of the Congregation, took that Occaſion to preach a *vehement Sermon*, as he calls it himſelf, againſt *Idolatry, and the Worſhip of Images*; and maintain'd, *that ſuch Marks of Idolatry and Superſtition ought to be pull'd down*. After Sermon, a Prieſt going to ſay *Maſs*, open'd a Caſe, and ſhew'd ſeveral fine Figures of the Saints; for which being reprehended by a little Boy, he return'd him a Correction. The Boy receiving a Box on the Ear, threw a Stone at the Prieſt, and broke one of the Figures. Upon this the Mob roſe, inſulted the Prieſt, broke the Images, and rifled the Church: And now their Numbers increaſing, they fell upon the Houſes of the *Franciſcans* and *Dominicans*, where they found much more Wealth, than agreed with their pretended Poverty, which they made Prize and Plunder of; yea their Zeal was ſo ſurpriſingly expeditious in pulling down the Monaſtry of the *Carthuſians*, a noble Structure, with ſo much Haſte, that in leſs than two Days, there was not one Stone left to ſhew where it had ſtood. Upon this there was a great and ſudden Turn, Popery was the Object of all Men's Hatred, the Churches were every where purged from Idolatry and Superſtition, the Monaſtries were broke into, and many Acts of hot and irregular Zeal were complained of in all the Corners of the Kingdom. One Thing however I cannot but obſerve, that was ſomewhat extraordinary, that in all this tumultuary Reformation, that the Multitude was ſo govern'd even amidſt all that popular Heat, that no Blood was ſhed, and no Man was kill'd in it; and if I be not far miſtaken, Biſhop *Leſly* our learned Hiſtorian owns ſo much, and being a Writer of the *Romiſh* Communion, his Teſtimony muſt be look'd on in this Matter beyond Exception.

The Queen Regent was highly diſpleaſed with theſe Riots, more eſpecially at *Perth*, and ſent to the Duke of *Chatlerault*, the Earls of *Argyle* and *Athole*, to come immediately to Court; the *French* Forces were gathered together, with ſuch others, as would join with Her in the Quarrel, and order'd to march. The Burghers of *Perth* being ſenſible of what might follow, diſpatch'd their Agents to all Parts of the Kingdom (*a*) for Aſſiſtance; now, that the Cauſe was in ſo imminent Danger. Upon this Alarm, they were quickly reinforced from the Weſt, with a Body of about 2500 Men, commanded by Perſons of the beſt Quality, as the Earl of *Glencairn*, the Lords *Boyd* and *Ochiltree*, the Sheriff of *Air*, the Lairds of *Craigie*, *Seſnock*, *Carnall*, *Bar*, and *Gadgirth*.

The Queen ſeeing now what Things were like to turn to; and underſtanding that there were Seven thouſand ſtout Gentlemen, beſides Townſmen in *Perth*, She ſent the Earl of *Argyle*, and Lord *James* Prior of St. *Andrews*, to demand the Reaſon of their drawing together, and to move for an Accommodation: The other Party, that they might not ſeem obſtinate, appointed the Earl of *Glencairn*, and the Laird of *Dun*, to treat with the other two Lords. In anſwer to their firſt Queſtion, they told them, That their Troops marched only to *Perth* to protect their Friends, and to preſerve the Town from Deſtruction. And as to the Accommodation propoſed by the Queen's Commiſſioners, they declar'd, that provided Her Majeſty would forbear diſturbing the Profeſſors of Religion, and ſuffer the *Reformation* to proceed, they were ready to obey Her Commands in all other Things. The Character of theſe Commiſſioners not being unacceptable to the Forces at *Perth*, made the Propoſals the better received; eſpecially ſince they engaged, that if either the Queen rejected reaſonable Terms, or made the leaſt Infraction upon the Accommodation, they would then

(*a*) Memoirs of the Reformation, M. S. penes me.

immediately join their Side, and run the ſame Risk with them. And thus, at the Inſtance of theſe two Noblemen, the following Articles were agreed to.

I. *THAT both the Armies ſhould be disbanded, and the Town left open for the Queen.*

II. *THAT none of the Burghers ſhould be called to an Account for the late Alterations in Religion.*

III. *THAT no* French *ſhould enter the Town, nor march within three Miles of it.*

IV. *THAT all other Differences ſhould be referred to the next Parliament, or the Meeting of the Eſtates.*

ASSOON as the Forces were diſbanded, the Queen Regent marched into the Town with ſome *Scots* Troops, in *French* Pay. Theſe were conſtrued *French* Forces, and complain'd of as a Breach of the Articles. Beſides, ſome of the Burghers were fin'd, and others baniſh'd; the Magiſtracy was diſplac'd; a Garriſon left in the Town; and Orders given, that none but the *Roman* Catholick Religion ſhould be allowed in the Town. When this unexpected Uſage was complain'd of, She replied, as our Hiſtorians report, *That the Promiſes of Princes were not to be ſtrictly urged; and theſe were not to be kept that were made to Hereticks: She declar'd, She would take it on Her Conſcience to kill and undo all that Sect, and make the beſt Excuſe She could, when it was done.*

THE Queen failing in the Articles, the Earl of *Argyle* and Lord *James* left Her, and went over to the *Congregation*; whereupon they were ſummoned to appear before the Council; but neither his Lordſhip, nor the Prior thought fit to appear, tho' they ſent this Anſwer, *That ſeeing Her Majeſty had broken the Conditions with the Lords of the Congregation, which, by Warrant from Her ſelf, they had made and enter'd into with them, they would have no more Meddling in ſuch diſhoneſt Courſes, and would do the beſt to repair Things they could (a).* And now Things growing towards a Rupture, there was a Rendevouze of the Party appointed at St. *Andrews*, which the Queen being informed of, ordered the *French* Troops to march toward them; and at the ſame Time iſſued out a Proclamation, *Commanding all the Subjects to repair to Her Camp, and attend Her at* Coupar-*Muir.*

THE Lords of the Congregation endeavoured to ſeize ſome Paſſes, and prevent the Regent in Her Rendevouze. And now the two Armies faced each other, and nothing but a ſmall River was between them: The *French* Part of the Queen's Army was commanded by Monſieur *de Oſell*; and Her *Scots* Troops, by the Duke of *Chatlerault*. The Queen diſtruſting the Affection of Her Forces, offer'd a Peace; but that not being accepted upon the Conditions propoſed, a Truce was agreed to for eight Days: During which Time, Commiſſioners were to be ſent to St. *Andrews*, with ſufficient Powers for a full Accommodation. The Queen not ſending the Commiſſioners to St. *Andrews* within the Time prefix'd, the Earl of *Argyle* wrote to the Regent, deſiring Her to withdraw the Garriſon from *Perth*, purſuant to the late Treaty: But Her Majeſty not thinking fit to return his Lordſhip any Anſwer, the *Congregation* thereupon marched immediately to *Perth*, ſate down before the Town, and quickly obliged it to ſurrender. And receiving Intelligence, that the Queen intended to put a *French* Garriſon in *Stirling*, to ſecure that Paſs, and to cut off their Communication with their Friends in the Southern Parts, they marched ſtraight thither. From thence they went to *Stirling* and *Edinburgh*, all the Country declaring upon their Side; ſo that the Queen Regent was forced to flee for Shelter to *Dunbar* Caſtle (*b*).

THE Queen finding Her ſelf too weak to put a Stop to theſe Proceedings, publiſh'd a Proclamation to this Effect, *That a ſeditious Party of the Lieges calling themſelves the* Congregation, *had raiſed an Army, and cover-*

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(*a*) Spotiſwood, and Memoirs of the Reformation, M. S. penes me. (*b*) Spotiſwood.

red their Proceedings with Religion: That to make all People eaſie in Matters of Conſcience, and to compoſe the preſent Differences, She had ordered to call a Parliament in January *next, or ſooner; that their Religion was to be ſettled by Advice of the Eſtates: And that, in the mean Time, every one had the Liberty of enjoying his Perſwaſion. But that all this Lenity and fair Propoſals had been diſregarded by the* Congregation; *'twas plain therefore Religion was the leaſt Thing they intended: But that ſubverting the Government, and uſurping of the Crown, was what they aimed at.* She commanded therefore *the* Congregation *to live like good Subjects, and diſperſe immediately, under the Penalties of High Treaſon.*

AGAINST this Charge in the Proclamation, the Lords of the *Congregation*, in their own Defence, declare, *Their Intention was only to extirpate Idolatry, countenance the true Religion, and protect thoſe that preached it:* And that provided *Liberty of Conſcience was allowed them, they were ready to continue in all Duty toward their Sovereign, and Her Mother the Regent.* And to ſhew they were ſincere in what they profeſſed, they ſent the Earls of *Argyle* and *Glencairn*, with diverſe other Lords and Barons, to treat with the Commiſſioners from the Queen, who concluded a Truce upon theſe Articles *(a)*.

I. *THAT the Forces of the* Congregation *ſhould immediately quit* Edinburgh, *to the End the Queen and Her Troops might come peaceably there.*

II. *THAT the* Congregation *ſhould ſurrender the Palace of* Holy-rood-houſe, *reſtore the Furniture, and return the* Mint *into the Queen's Hands.*

III. *THAT the Lords, and all other Members of the* Congregation, *ſhould live in Obedience to the Government, and ſubmit to the Regent's Authority.*

IV. *THAT the* Congregation *ſhould not trouble or moleſt any of the Popiſh Clergy, in their Perſons or Eſtates.*

V. *THAT the* Congregation *ſhould not inſult any religious Houſes, pull down any Churches, nor rifle them.*

VI. *THAT the Burghers of* Edinburgh *ſhould profeſs what Religion they pleaſed, till the* 10*th of* January *next.*

VII. *THAT, in the mean Time, neither the Queen, the Magiſtracy, nor the Biſhops, were to give any Manner of Diſturbance to the Preachers of the* Congregation, *or to their Audience, upon the Score of Religion.*

AFTER the ſigning theſe Articles, the *French* Troops marched into *Leith*, and the Lords of the *Congregation*, toward the Weſtern Countries. Juſt when they began their March, the Duke of *Chatlerault* met them in the Way, and aſſured them, that if any of the Conditions of the Truce were violated by the Queen, he ſhould join all his Forces, for expelling the *French* out of the Realm *(b)*, and indeed his Grace was as good as his Word for the Queen, quickly after this, having received a ſmall Reinforcement from *France*, and fortifying the Town of *Leith*, gave great Diſguſt, not only to the Lords of the *Congregation*, but, upon the Matter, to the whole Nation; ſo that the Duke, the Earls of *Argyle*, *Glencairn*, *Monteith*, the Lords *Maxwel*, *Boyd*, *Ruthven*, *Ochiltree (c)* &c. repreſented to Her, That it was now plain, She deſign'd to ruine the Liberties of the Subject, make a Conqueſt of *Scotland*, and for ever to unite the Kingdom to the Crown of *France*. They further expoſtulated with Her, in a Letter, upon this Occaſion, and wonder'd how She, not provoked by any Injury, could go ſo ſoon from the late Appointment, as to expulſe the ancient Inhabitants of the Town of *Leith*, and place therein a Colony of Strangers, as minding to keep the Country under a tyrannical Subjection. This, they remonſtrated, was againſt Her Promiſe, againſt the Publick-well, and againſt the Laws and Liberties of the Kingdom; and therefore, humbly begg'd Her to deſiſt from that Courſe, and

(*a*) Memoirs of the Reformatiom. M. S. penes me, and Arch-Biſhop Spotiſwood. (*b*) Spotiſwood. (*c*) Memorial of the Reformation of Scotland in the Cotton Library, inſert in the Third Vol. of Biſhop Burnet's Hiſtory of the Reformation.

not to drive them into a Neceſſity of ſeeking the Concurrence of their Fellow Subjects, for reſiſting the Miſchief intended againſt the whole Kingdom. But all was to no Purpoſe, for the Queen, by the Arrival of ſome more Troops from *France*, reckoning it would be an eaſy Work to ſubdue *Scotland*, deſpiſed all their Requeſts, reſolved to follow Her Inſtructions from *France*, coſt the Kingdom what it would. Whereupon the Lords of the *Congregation* called a Convention of the Nobility, Barons, and Burgeſſes of the Realm, to conſider the State of the Kingdom, and the imminent Danger the Nation was in, now that their Sovereign Lady, tho' not of Age, was married to a ſtrange Prince, out of the Realm, and wholly in the Hands of *Frenchmen*, without any Council of Her own People: Conſidering withall, that the Queen Regent ſtill perſiſted in ruining the Liberties of the Subjects. Upon theſe Grounds, and a continued Courſe of a perfidious and illegal Adminiſtration, they declar'd they were conſtrain'd to ſuſpend Her Authority, and to conſtitute a Council for the Government of the Kingdom, in the Name, and for the Behoof of the King and Queen their Sovereign. This Act and Ordinance order'd to be publiſh'd in all the great Towns of the Kingdom, was ſign'd in this Form; *By us the Nobility and Commons of the Proteſtants of the Church of* Scotland (*a*).

THE Lords of the *Congregation* ſent a Herauld to acquaint the Queen Dowager of what was done, deſiring Her to quit *Leith*, and to command the *French* Garriſon to march out; but She refuſing to comply, the Lords ſate down before the Town. But finding ſome of their Party go off, their Secrets diſcovered to the Queen, and their Troops mutinying for Want of Pay, they grew jealous of each other, and dropped the Deſign. In ſhort, they found themſelves obliged to quit *Edinburgh*, and retire to *Stirling*; upon which the *French* came and poſſeſſed themſelves of the Town, and ſet up the *Maſs* again in the Churches. Greater Supplies came over from *France*, under the Command of the Marqueſs of *Elbeuf*, the Queen Dowager's Brother; who, tho' moſt of his Fleet were diſperſed, yet brought to *Leith* 1000 Foot; ſo that now there were about 4000 *French* Soldiers in the Town. But what Acceſſion of Strength ſoever the Queen received from theſe, She loſt as much in *Scotland*; for now almoſt the whole Country was united againſt Her, and the *French* were equally heavy to their Friends and Enemies. They marched about by *Stirling* to waſte *Fife*, where there were ſome ſmall Engagements between them and the Lords of the *Congregation*.

THE *Reformers* therefore ſeeing they were not able any longer to ſtand before the Power of *France*; and a greater Force being promiſed to be ſent from thence next Spring, they lay'd the whole Matter before the Queen of *England*, deſiring Her Aid openly, and committing their Cauſe to Her Protection; deſiring nothing, but that their Country may be preſerved from *France*, together with the Rights of their Sovereign, and the whole Nation. To this they added a Petition, *That the Numbers of* French *Soldiers, then within the Kingdom, might be removed ſpeedily; that ſo they might live quietly, and be ſuffered to offer to the King and Queen, ſuch Articles as were neceſſary for the Peace and good Government of the Kingdom, without Alteration of their ancient Liberties* (*b*). This was ſigned by the Duke of *Chatlerault*, the Earls of *Argyle*, *Arran* and *Glencairn*, the Lords *Boyd*, *Ochiltree*, *Maxwel* and *Ruthven*, and many other Perſons of Quality.

THE

(*a*) Biſhop Spotiſwood has the Inſtrument fully, P. 137. (*b*) Memoirs of the Reformation of Religion in Scotland, and Biſhop Burnet's Hiſtory of the Reformation of the Church of England, Vol. III. P. 285. and Collection of Records there, Number 53. taken from a long Repreſentation, drawn up by the Lords of the Congregation, of the Breach of Faith, and of the Violation of their Laws, during the Government of the Queen Regent, in the Cotton Library.

THE Progress of the *French* Troops in *Scotland*, and the Resentments Queen *Elizabeth* had taken against the Court of *France*, for advising Queen *Mary* to quarter the Arms of *England*, and to claim that Crown, prevail'd with Her to consider the Representation of the *Reformers*. Before this Resolution was taken, the Matter was debated in Council, where some of the Board declar'd, That the supporting the Subjects of another Prince in their Rebellion, would be an ill Precedent, and might draw a dangerous War on Her Majesty: But by others it was argued, That to protect Her Neighbours from the Oppression of Strangers, and to stop the *French* from fortifying themselves in *Scotland*, was both defensible and necessary. The Queen going in with this last Opinion, an Answer was immediately returned, and a Promise given of Assistance both with Men and Money. And not long after the Duke of *Norfolk* came to *Berwick*, where, being met by the Commissioners from the *Congregation*, a Treaty was agreed to, and signed on these Conditions, That they were to be sure Allies to the Queen of *England*, and to assist Her both in *England* and *Ireland*, as She should need their Help. She was now, on the other Hand, to assist them to drive the the *French* out of *Scotland*. By another Article it is agreed, *That the Earl of* Argyle, *Lord Justice of* Scotland, *being presently joined with the Duke of* Chatlerault, *shall employ his Force and good Will, when he shall be required by the Queen of* England, *for reducing the North Parts of* Ireland *to Her Obedience, conform to a mutual Contract, which shall be made betwixt Her Majesty's Deputy of* Ireland *for the Time, and the said Earl; wherein shall be expressed, what each of them shall do for Support of others, in case either of th m had Business with* Mac-Oneal, *or any other of the Isles of* Scotland, *or the Realm of* Ireland *(a)*. By the last Article, the confederate Lords declared, *'Twas not their Intention by this Alliance, to disingage themselves from their Allegiance to their Sovereign Lady the Queen; but to shew themselves obedient both to Her Majesty and the* French *King Her Husband, in every Thing not subversive of the Liberties of their Country.*

THIS League was to last during their Queen's Marriage with the *French* King, and for a Year after, and they were to give the Queen of *England* Hostages, who were to be changed every six Months. And that they might continue more firm, and the better cemented among themselves, they entered into a Bond of Association, *Wherein they promised faithfully, and in the Presence of GOD, that they would, to the outmost of their Power, set forward the Reformation of Religion according to GOD'S Word, that the true preaching of it might have a free Passage thro' the whole Kingdom, together with the Administration of the Sacraments. And that they considering the Misbehaviour of the French among them, and the intolerable Oppression of the Poor, by their Soldiers maintained by the Queen Dowager under Colour of Authority, together with the Tyranny of their Captains, and the manifest Danger of becoming their Conquest, to which they were then reduced by Fortifications on the Sea-Coast, and other Attempts; do promise to join with the Queen of* England's *Army, then come in to their Assistance, for driving out those their Oppressors, and for recovering their ancient Liberty, that so they may be ruled by the Laws and Customs of their Country, and by the Natives of the Kingdom under the Obedience of the King and Queen their Sovereign: And they promise, that they shall hold no private Intelligence with their Enemies, but by the Advice of the rest, or at the least, five of their Number, and that they shall prosecute this Cause, as if it were the Cause of every one of them in Particular, and hold all who withstand it as their Enemies, and that they will prosecute them as such, according to the*

(a) Spotiswood, Burnet, and the Memoirs of the Reformation in Scotland.

Orders of the Council to whom they refer the Direction of the whole Matter, promiſing in all Things to ſubmit to their Arbitration. This Bond was ſubſcribed at *Edinburgh*, on the 27th of *April*, in the Year 1560, by the Duke of *Chatlerault*, the Earls of *Argyle*, *Huntly*, *Morton*, and ſome others, whoſe Hands are not legible, and by the Lords *Salton*, *Ruthven*, *Boyd*, *Ogilvy*, *Ochiltree*, by the Abbot of *Kinloſs*, the Commendator of *Kilwinning*, and about 140 more. The Original Copy, which ſtill remains in the Poſſeſſion of his Grace the Duke of *Hamilton*, ſets out more particularly the Grounds the Reformers went upon, which I ſhall put in the Collection of Records at the End of this Work.

SOON after the ſigning the Alliance betwixt Queen *Elizabeth* and the Lords of the *Congregation*, the *Engliſh* Troops, commanded by the Lord *Gray*, march'd and ſat down before *Leith*, and being join'd by the Confederate Lords, bore hard upon the Garriſon. The *French* King receiving Advice, that his Forces were diſtreſs'd at *Leith*, and being too much embarraſs'd at Home, to furniſh any Reinforcement for *Scotland*, to carry on the War there, diſpatched Count *Randan*, and *Monluck* Biſhop of *Valence*, Ambaſſadors to the *Engliſh* Court. Their Inſtructions were to deſire the Queen of *England* to withdraw her Army out of *Scotland*, with Propoſals of the Reſtitution of *Calais* upon that Condition: Her Anſwer was, *She did not value that Fiſher-Town ſo much, as to hazard the Repoſe of* Britain *upon that Account.* The *French* perceiving the Peace would be made upon no other Terms, than the recalling their Troops out of *Scotland*, and looking upon it as diſhonourable for their King and Queen to capitulate with their own Subjects; at length ſolicited Queen *Elizabeth* to ſend her Ambaſſadors to mediate an Accommodation. This Motion being agreed to, Secretary *Cecil*, and Dr. *Wotton* Dean of *Canterbury*, were ordered to accompany *Randan* and *Monluck* into *Scotland*, and endeavour to compoſe the publick Diſturbances there: And to make up the Matter the beſt they could by a Treaty. While the Ambaſſadors were on their Journey, the Queen Dowager fell ſick and died in the Caſtle of *Edinburgh*. Her Death put no ſtop to the Treaty, as was at firſt apprehended: For, upon the arrival of the *Engliſh* and *French* Ambaſſadors at *Edinburgh*, they entred upon a Treaty, which after ſome Days Debate was ſoon brought to a Concluſion. Some of the Articles were theſe. I. *The Town of* Leith *was to be evacuated, and the* French *were to be ſent away in three Weeks.* II. *An Act of Oblivion was to be made for extinguiſhing the Memory of all Injuries, and indemnifying the Subjects from Proſecution for all Miſdemeanours againſt the State, from the* 6th *of* March 1558, *to the* 1ſt *of* Auguſt 1560. III. *That all Biſhops, Abbots, or other Churchmen, that could prove themſelves damnified, either in their Perſons or Eſtates, ſhould have their Grievances redreſs'd in the firſt Parliament: And that in the mean Time, no Body ſhould inſult their Perſons, or diſturb them in the Enjoyment of their Revenues: That the Eſtates of the Realm ſhould hold a Parliament in* Auguſt *next; and that for this Purpoſe, a Commiſſion ſhould be ſent them from the King and Queen of* Scotland: *That a Committee of Noblemen, nominated by the next Parliament, ſhould be ſent to their Majeſties, to repreſent what further Alterations was neceſſary to make in Religion: And that the Articles then agreed, ſhould be preſented, with the Ratification of the Eſtates, and return'd with their Majeſties Confirmation.* IV. *That to ſettle the Affairs of the Kingdom, a Council of twelve Perſons were to be choſen, of whom the King and Queen were to name ſeven, and the Eſtates five, and by theſe all Affairs were to be governed.* The laſt Article was, *That for the Future, the Queen of* Scotland *and the King of* France, *ſhould not uſe the Titles of* England *or* Ireland, *nor quarter the Arms of theſe Crowns upon their Plate or Furniture any more.*

This

This Treaty was to be ratified within ſixty Days, and an Oath taken by the reſpective Sovereigns for further Security.

BEFORE the Time expired, the Queen of *England* ratified the Treaty with all the Solemnity required, and order'd her Ambaſſadors, *Throgmorton* and *Meutes*, to move the Queen of *Scotland*, and the *French* King her Husband, to the ſame Compliance; but theſe Princes, notwithſtanding they had promiſed in the Biſhop of *Valences*'s Credentials, as *Cambden* reports, to ſign what was done, refuſed to ratifie the Treaty(*a*). The Reaſons of their Refuſal were, becauſe the *Scots* had, contrary to their Duty, entered into an Alliance with the *Engliſh* at *Berwick*, without any Authority from their Sovereigns: That none but Rebels were concerned in the Negotiation; and that, to make the better Shew of a general Concurrence, they had counterfeited the Hands and Seals of ſeveral Loyal Subjects. And, *Laſtly*, That they had not performed that Duty to the Crown, which was promiſed in the Treaty. But while theſe Things were debating at the *French* Court, King *Francis* the II. died, and left our Queen a Widow, which was to many a great Ground of Rejoicing, ſince they were thereby delivered from the Servitude of the *French*, which they had very grievous Apprehenſions of.

Notwithſtanding this Diſappointment, a Proclamation was publiſhed by the Lords of the *Congregation*, for the Meeting of the Parliament. When the Day came there was a numerous Appearance: But all the Members had not the ſame Senſe of the Legality of the Meeting; ſome urged, that ſince they had no Commiſſion from their Sovereigns, nor any Authority to repreſent their Perſons, there could be no ſuch Thing as a Parliament (*b*). To this the other Party replied, That by an Article of the late Treaty, a Parliament was to be held in *Auguſt* following, and that this Meeting ſhould be as legal in all Reſpects, as if it had been expreſly ordered by their Majeſties. But to this it was reply'd, That the Treaty not being ratified by the Queen, was not binding upon the Crown, and by Conſequence their conveening without the Royal Warrant muſt be a Breach upon the Conſtitution: However, this latter Opinion, ſupported by a Majority, prevail'd.

AFTER a Week had been ſpent in this Conteſt, and the Point carried not without great Struggle, they began to enter upon Buſineſs: But having no Commiſſion from the *Queen*, the cuſtomary Solemnities of carrying the *Crown*, *Scepter* and *Sword*, were omitted: Of the *Spiritual Eſtate* there appeared Arch-Biſhop *Hamilton* of *St. Andrews*, Biſhop *Crichton* of *Dunkeld*, Biſhop *Chiſholme* of *Dunblain*, Biſhop *Gordon* of *Galloway*, Biſhop *Hamilton* of *Argyle*, and *Campbel* Elect of the *Iſles*, the Prior of *St. Andrews*, Lord *James* the *Queen*'s natural Brother, the Abbots of *Coupar*, *Lindores*, *Culroſs*, *St. Colme*, *Newbottle*, *Holy-rood-houſe*, *Arbroath*, *Kinloſs*, *Kilwinning*, *Deir* and *New-abby*, with the Priors of *Coldingham* and St. *Mary-Iſle*. Thoſe of the Nobility were, the Duke of *Chatlerault*, the Earls of *Argyle*, *Marſhall*, *Caſſils*, *Caithneſs*, *Athol*, *Glencairn*, *Morton*, and *Rothes*, the Lords *Ruthven*, *Glammis*, *Erskine*, *Boyd*, *Ochiltree*, *Cathcart*, *Livingſton*, *Ogilvie* and *Somervel*, and all the Commiſſioners of Burghs; no Barons could be there. In the Choice of the Lords of the Articles, the Noblemen, who were to nominate thoſe of the Clergy, paſſed by the Diſaffected Biſhops, and elected ſuch as they knew favoured the Work in Hand. The Perſons pitch'd on were, the Biſhops of *Galloway* and *Argyle*, the Prior of *St. Andrews*, the Abbots of *Arbroath*, *Kilwinning*, *Lindores*, *New-bottle* and *Culroſs*.

THE Prelates remonſtrated loudly againſt this Election, objecting that ſome of them were meer *Lay-men*, and that all of them had deſerted the

(*a*) Cambden Eliz. Page 60. (*b*) Biſhop Spotiſwood's Hiſtory.

Church, and turned Apoſtates (*a*): But theſe Allegations not being reckon'd any reaſonable Exceptions, their Complaint was over-ruled.

THE firſt Thing brought into the Houſe, was a Petition of the Barons, Gentlemen, Burgeſſes and others, concerning Religion. This conſiſted of three Branches, *Firſt*, That the Doctrine of the *Roman* Church ſhould be condemned, and ſuppreſſed by Act of Parliament. The exceptionable Doctrines ſpecified were, *Tranſubſtantiation, Adoration of the Hoſt, Merit of Works, Indulgences, Purgatory, Pilgrimages, and Invocation of Saints:* Theſe they accounted all damnable Errors, and deſired the maintaining of them might be made penal. *Secondly, They petitioned for a Revival of the Diſcipline of the ancient Church, and that the Profanation of the holy Sacraments might be puniſhed. And,* Thirdly, *That the Pope's uſurped Authority may be diſcharged, and the Patrimony of the Church converted to the Maintenance of the Miniſtry, the Endowment of publick Schools, and the Support of the Poor.* This laſt Clauſe diſguſted ſeveral of the Nobility; They were willing enough to be rid of the *Pope* and his Doctrine, yet the giving back the Church-Benefices, which they had ſeized during the late Diſturbances, was an unacceptable Motion. To this therefore making no Anſwer, but ſtill ſhifting it off, they deſired the Miniſters to draw up a *Syſtem of Belief*: This was done accordingly, and four Days after preſented to the Eſtates, under the Title *of the Confeſſion of the Faith, and Doctrine believed and profeſſed by the Proteſtants of* Scotland. The whole is ranged under *ſix and twenty Articles*, which were afterward ratified and inſerted in the Acts of Parliament held by the Earl of *Murray anno* 1567; for tho' Queen *Mary* granted many Acts in Favours of the *Reformation*, yet ſhe managed Matters ſo dexterouſly, that neither was the Treaty at *Leith*, nor the Settlement of Religion made in this *Convention*, ſo much as named, much leſs confirmed in any ſubſequent Parliament, while ſhe was on the Throne; neither are the Proceedings of the *Convention* entered among the printed or unprinted Acts of this Reign. And thus the Parliament held in the 1563 ſtands regiſtrated immediately after that in 1558.

BUT tho' the Earl of *Argyle* was as zealous as any Nobleman in the Kingdom, for eſtabliſhing the Doctrinal Part of the reformed Religion, and for ſuppreſſing of Popery; yet it appears he was not very fond of ſettling, at leaſt haſtily, any Form of Eccleſiaſtical Diſcipline in the Church, as Things went: For tho' 'tis true, that Mr. *Knox* at this Time preſented to the Eſtates a Scheme of Government, moſtly form'd upon the *Geneva* Plan (*b*), and exceedingly preſſed the paſſing of it into a Law, yet it was poſtponed and put off, as *Felix* diſmiſſed St. *Paul, to a more convenient Seaſon*, and left uncertain and undetermin'd: For a grave and learned Hiſtorian tells us (*c*), *That the Earl was of Opinion, with Reference to the Scheme then lying before them, that all Reſolutions of that Kind ought to be poſtponed; and urged, that nothing might be alter'd before a general Meeting of the Eſtates,* by which he meant a Parliament legally conſtituted by the Queen's Authority: So that it would appear his Lordſhip was either for the continuing of the old Epiſcopal Model, or was indifferent in the Point of Church-Government, as indeed the far greater Part of our *Reformers* ſeem to have been: For allowing that Mr. *Knox* was a rigid Presbyterian, as certainly he was; yet others who fell very early off from Popery, declar'd ſtrongly againſt the Church of *Rome*, and were very inſtrumental in the Reformation, were not ſo (*d*); for ſeveral of them afterward accepted of Biſhopricks, as Mr. *Douglas* did of St. *Andrews*, Mr. *Carſwel* of the *Iſles*, and Mr. *Lindſay* of

(*a*) Spotiſwood, Collier, and the Memoirs of the Reformation. (*b*) Memoirs of the Reformation M. S. penes me. (*c*) Arch-Biſhop Spotiſwood. (*d*) Memoirs of the Reformation of Religion in Scotland. M. S.

of *Roſs* (*a*), beſide the Superintendent of *Fife* Mr. *Winram*, the Superintendent of *Lothian* Mr. *Spotiſwood*, the Superintendent of *Angus* Mr. *Erskine* of *Dun*, were very far from having any Averſion at Epiſcopacy, or at leaſt a moderate Imparity among the Officers of the Church. It was rather what, from our Hiſtorians, they ſeem to have exceedingly deſired to bring to paſs (*b*), and have eſtabliſhed, as the beſt Mean they could deviſe, to preſerve the Peace and Quiet of the Church.

But that the Eſtates might not break with Mr. *Knox*, who had a very powerful Influence, when they laid by his Scheme of Diſcipline, to gratify him, they paſſed an Act for demoliſhing Cloiſters and Abbey-Churches. The Execution of this Order was entruſted to the Earl of *Argyle*, and three other of the Nobility, and ſeveral Barons, well affected to the Service, who had their ſeveral Ranges thro' the Kingdom: And now the Churches were every where pulled down or defaced; for, tho' the Ordinance of the Eſtates was pointed only againſt religious Houſes, yet the Populace, puſhed on by the zealous Clergy, fell on with undiſtinguiſhing Rage; and thus almoſt every Church with a Steeple was called a *Mark of the Beaſt*, and a *Seat of Idolatry*; and therefore was either raz'd or riff'd: The Beauty of the greater Towns were thereby mightily diminiſhed, and the publick Ornaments of the Kingdom laid in Rubbiſh: The Communion Plate was made Prize, and the Bells, Timber and Lead were ſet to Sale, Regiſters and Liberaries every-where that fell into their Hands, were thrown into the Fire, and all the Monuments of Antiquity and Learning they could come by were utterly deſtroyed: The Grave was no Protection againſt their Zeal, for they rifled and deſtroyed even the very Tombs and Monuments of our Kings, and other great Men, whoſe Memory they ought to have had in the greateſt Veneration; ſo that what eſcaped the Fury of the Mob in the firſt Commotions, was now ſeiſed and deſtroyed: Which a Learned Author (Biſhop *Spotiſwood*) ſays, *Was ſo much the worſe, that the Violences committed at this Time were coloured with the Warrant of publick Authority.* And he further adds, *That ſome ill adviſed Preachers did animate the People in theſe barbarous Proceedings; crying out, That the Places where Idols had been worſhipped ought to be deſtroyed; and that the ſparing of them was reſerving the accurſed Thing.* As if the Command given to the *Iſraelites*, for deſtroying the Places where the *Canaanites* did worſhip their falſe Gods, had been a Warrant for them to do the like. No *Hiſtorian* that I know of has, in my humble Opinion, more gravely conſidered and reflected on the deſtroying the venerable Remains of Antiquity and Learning of our Country at this Time, than the learned Mr. *Collier*. *To ſee*, ſays he, *noble Structures conſecrated to the Honour of the ever bleſſed Trinity, where all the Articles of the Apoſtles* Creed *were profeſſed, the Chriſtian Sacraments adminiſtred, and all the inſpired Writings received as ſuch; Places where there was no Polytheiſm, no addreſſing Devils, no roaſting of Children, no licentious Worſhip ſo much as pretended; in ſhort, where there was no Reſemblance of a Parallel with the Heathen Idolatry mentioned in the Old and New Teſtament; I ſay, to ſee the Houſes of God thus ravaged and razed, the holy Furniture made Plunder, and the Church Eſtates ſeiſed, gives a frightful Idea of ſome of the Reformers. And to conſider the Fact, without knowing the whole Hiſtory, would almoſt make a Man believe ſome rough unconverted Nation had made an Invaſion, and carried the Country.*

In the Year 1561, when the Queen returned from *France*, She was pleaſed to conſtitute a new Privy-Council, of which Number the Earl of *Argyle* was one; and tho' he was a zealous Proteſtant, yet was a Nobleman of unqueſtionable Loyalty, and carried a ſingular Affection to her Majeſty: For a

(*a*) Memoirs of the Reformation of Religion in Scotland. (*b*) Spotiſwood, and Calderwood's Hiſtory of the Church of Scotland.

while, after this, Things went on ſmoothly enough in the Nation, the Queen carried it fair with every Body, and no Nobleman in the Kingdom had more of Her Majeſty's Favour than his Lordſhip; for ſhe did him the Honour of a Viſit at his Houſe in the Country, where She paſſed a Part of the Summer 1563, in the Diverſion of Deer-hunting, an Exerciſe in which She ſometimes took great Pleaſure and Delight.

QUICKLY after this, when it was known the Queen had reſolved to marry the Lord *Darnly*, the Earl of *Argyle*, and many other Perſons of Quality took Umbrage at it (*a*), from the Danger they apprehended might ariſe to Religion from that Match, becauſe he had been bred ſtrictly Papiſt: And thereupon his Lordſhip, together with the Duke of *Chatlerault*, the Earls of *Murray*, *Glencairn* and *Rothes*, form'd an Aſſociation to prevent the Marriage (*b*). The Burghers of *Edinburgh* broke out into a Mutiny upon the ſame Account, and ran to Arms, whereupon the chief Incendiaries were proclaimed Rebels: But upon their humble Submiſſion they were received into Favour (*c*), and the Proceſſes of Treaſon that was raiſed againſt them were all diſcharged.

THIS noble Earl was nowiſe concerned in the Broils of the Court occaſioned by the foul Murder of Mr. *Rizio*, which was attended with ſuch a Train of unhappy Conſequences; yea he was quickly after this ſo much in the good Graces of the Queen, that as a particular Mark of her Confidence and Favour, She order'd him Lodgings by Herſelf within the Caſtle of *Edinburgh*, when She was to ly in of the Prince Her Son, King *James* VI. (*d*). However, we don't find the Earl preſent at the Prince's Chriſtning; 'tis like he thought his Preſence might infer ſome Kind of Approbation of the Rites and Ceremonies of the *Romiſh* Church, which were there performed, and on that Account kept out of the Way: But the Counteſs his Wife, the Queen's natural Siſter, tho' a Proteſtant too, was not ſo ſcruplous as her Lord; ſhe was there, and had the Honour to repreſent Queen *Elizabeth* at the Baptiſm, and held the Child at the Font. For this Scandal, as it was called, ſhe was cited before the General Aſſembly (*e*); and ſubmitting to Diſcipline, ſhe was enjoin'd to make ſuch publick Pennance in the Chapel of *Stirling*, as the Superintendent of *Lothian* ſhould appoint; and which, without all Doubt, ſhe underwent.

AS the Earl of *Argyle* was altogether free of the Blood of Secretary *Rizio*; ſo he had too much Honour to be concerned in, or in the leaſt Degree acceſſory to the barbarous Aſſaſination of King *Henry*, which fell out not long thereafter. By whom this horrid Murder was committed, our Hiſtorians are not at all agreed; Mr. *Buchanan* lays the Fact at the Queen's Door, and the Earl of *Bothwel*'s: Of *Bothwel*'s Guilt there is little or no Doubt, but no Body ever blam'd the Queen, but Mr. *Buchanan* alone: And at the Time the Murder fell out, the Earl of *Argyle*, and the Earl of *Huntly*, in a Repreſentation of the Matter to Queen *Elizabeth*, lays the Guilt of it upon the Earls of *Murray* and *Morton* (as well as *Bothwel*) (*f*): And one would think theſe two noble Lords underſtood the Matter as well as Mr. *George*, and what they write may be as ſafely relied upon, as on his bare Aſſertion. But that a Paper of ſuch Importance, as the Earl's Declaration, which clears the Queen from all Manner of Suſpicion, far leſs of any Acceſſion to the Death of her Husband, may be more generally read, I have put it into the Collection of Records at the End of this Work.

THE next Thing that came upon the Stage of the Court, was the Queen's unhappy Marriage with the Earl of *Bothwel*; a Step which the Earl of *Argyle*, and all good Men, very much diſproved of; yet he did not thereupon, as many others did, abandon the Queen's Intereſt, or renounce his

(*a*) Spotiſwood, &c. (*b*) Spotiſwood, Melvil, &c. (*c*) Buchanan and Melvil. (*d*) Spotiſwood. (*e*) Ibidem. (*f*) Cambden's Eliz.

his Allegiance to her: However, his Lordſhip apprehending, as was the general Sentiment of the Nation, that the young Prince was in Danger from the Practices of his Father in Law; he entred into a Bond of Aſſociation for his Defence (*a*): But this Point being carrried, and the Prince in the Hands of a faithful Governor, and out of Danger, he went no further Length with the Aſſociators at that Time.

The Earl, ſo far as I have been able to diſcover, had no Manner of Concern in all that was acted, with Reference to the Queen's Surrender of the Crown in Favours of the Prince her Son, while ſhe was a Priſoner at *Lochleven:* But the Thing being done, and his Lordſhip judging, as many of her Friends did, that it might be a convenient Deed for her ſelf (*b*) in that Juncture, he ſo far approved of what had been done in Reference to the Inauguration of the young King, that his Lordſhip was preſent in the Parliament held by the Earl of *Murray* as Regent, which met at *Edinburgh* the ſecond of *December* 1567, and carried the Sword of State at the Solemnity (*c*). But the Earl ſoon thereafter coming throughly to underſtand the Methods had been taken, to extort the Reſignation of the Crown from the Queen, thro' Force and Fear of Her Life, he lamented Her Misfortune, and reſolved to do all was in his Power to retrieve Her Affairs, and reſtore Her to Her Royal Dignity of which, he thought, She had been ſo unjuſtly deprived: And the Queen Her ſelf having a full Confidence in his Lordſhip's Fidelity, commiſſioned him and ſome others of the Nobility, to treat with the Earl of *Murray*, the Regent to the young King, about reſtoring Her to Her Liberty, and to the Exerciſe of Her Royal Power. When they met with the Regent, they repreſented to him, that the Queen's Conſent was not ſpontaneous to the Demiſſion of the Government, or to the Crowning of the Prince, or to his being preferred to the Regency. But the Earl and his Colleagues could get no other Anſwer to their Propoſals, than *That it was nowiſe convenient to unhinge the Government, as then eſtabliſhed: And as for the Queen's Liberty, Things then ſtood in ſo tickliſh a Poſture, that it was not ſafe to make any Alteration of Affairs.* This flat Denial ſoon informed the Earl, and the reſt of the Queen's Friends, that nothing was to be expected from the Regent by fair Means; and reſolving firmly to adhere to his Principles of Loyalty and Obedience to his Sovereign at all Hazards, he ſpeedily met at *Hamilton* with other Nobles, who joined with him in the ſame Cauſe, where they drew up and ſubſcribed a Bond of Aſſociation, wherein they narrate, (*d*) *That foraſmuch as conſidering the Queen's Majeſty our Sovereign, to be detained at preſent in* Lochleven, *in Captivity; wherefore the moſt Part of Her Majeſty's Lieges cannot have free Acceſs to Her Highneſs; and ſeeing it becomes us of our Duty to ſeek Her Liberty and Freedom: We Earls, Barons and others underſubſcribing, promiſe faithfully to uſe the uttermoſt of our Endeavours by all reaſonable Means, to procure Her Majeſty's Freedom and Liberty, upon ſuch honeſt Conditions as may ſtand with her Majeſty's Honour, the Common-weal of the whole Realm, and Security of the whole Nobility, who at preſent have Her Majeſty in keeping, whereby this our native Realm may be governed, ruled and guided by Her Majeſty, and Her Nobility, for the common Quietneſs, the Adminiſtration of Juſtice, and weal of of the Country. And in Caſe the Noblemen, who have at preſent Her Majeſty in their Hands, refuſe to ſet Her at Liberty, upon ſuch reaſonable Conditions, as ſaid is; in that Caſe, we ſhall employ our ſelves, our Kindred, Friends, Servants and Partakers, our Bodies and Lives, to ſet Her Highneſs at Liberty, as ſaid is: And alſo to concur to the Puniſhment of the Murder of the King, Her Majeſty's Husband, and for ſure Preſervation of the*

(*a*) Spotiſwood, Crawfurd, &c. (*b*) Original Bond in the Archives of the Univerſity of Glaſgow; (*c*) Spotiſwood, (*d*) Sir James Melvil's Memoirs.

Perſon of the Prince, as we ſhall anſwer to God, and on our own Honours and Credit; and to that Effect ſhall concur every one with other at our utmoſt Power. And if any ſhall ſet upon us, or any of us, for the doing as aforeſaid, We promiſe faithfully to eſpouſe one another's Intereſt, under Pain of Perjury and Infamy, as we ſhall anſwer to God. This Bond was ſigned by the Earls of *Argyle*, *Huntly*, Arch Biſhop *Hamilton* of *St. Andrews*, the Lord *John Hamilton* Commendator of *Arbroath*, Biſhop *Gordon* of *Galloway*, Biſhop *Leſly* of *Roſs*, the Lords *Fleming* and *Herries*, the Commendator of *Kilwinning*, the Lairds of *Skirling* and *Sanquhair*, &c.

THE Queen ſoon after this, having found Means to make Her eſcape from *Lochleven*, rode ſtraight to *Hamilton*, where She was received by the Earl of *Argyle* and others, who adhered to Her Intereſt, with their Friends and Followers, to the Number of a Thouſand effective Men. But before any Thing ſhould be attempted by Force, it was thought expedient by thoſe who were preſent, that ſome of their Number ſhould be ſent to the Regent, who was then at *Glaſgow*, to deſire him peaceably to reſign the Regency, and repone the Queen to Her Authority: But that, by the Advice of thoſe about him, he flatly refuſed to yield to; telling the Commiſſioners, *That to the laſt he would defend the King's, and his own Right, againſt all his Enemies whatſoever.* This poſitive Anſwer ſoon taught them what Methods they were to purſue: Preparations on all Hands were made for War, and Proclamations emitted for that Effect by the Regent at *Glaſgow*, and by the Queen at *Hamilton*, *Lanerk* and other Places that own'd Her Authority; the Earl of *Argyle* being appointed General and Commander in Chief of all the Forces raiſed, or to be raiſed for Her Majeſty's Service.

IN the mean Time, the Queen having call'd a general Council, and ſolemnly declared upon Oath, that Her Reſignation of the Government was extorted from Her by Force, it was unanimouſly determined, that She ſhould take Poſſeſſion of the Caſtle of *Dunbartoun*, and there to remain till Her faithful Subjects came to Her Aſſiſtance; and a Parliament ſhould be called to reſcind the illegal Acts of the former, and lay down ſuch Meaſures, as might conduce to her Safety, with that of the young Prince; and eſtabliſh a laſting Peace, for the general Security of the Nation, hitherto endangered by the manifeſt Appearances of a civil War.

IN Purſuance of this Reſolution, She began Her March on the 13th of *May* 1568, attended with an Army of near 6000 Men, commanded by the Earl of *Argyle*. The Regent who lay ſtill at *Glaſgow*, wiſely reſolving to give no Time to his Enemies, poſted himſelf conveniently enough in Her Way, to oppoſe Her March, with an Army much inferior in Number to the Queen's, but reſolute, and better armed, from the publick Magazines. Thus prepared, both Armies met at a little Village, called *Langſide*, a ſhort Mile South of the City of *Glaſgow*. Juſt as they were ready to engage, the General the Earl of *Argyle*, was ſuddenly ſeized with an Apoplectick Fit, which gave the Regent Time and Leaſure to place his Men ſo advantageouſly, that it was next to an Impoſſibility to beat them; nor indeed was the Fight long doubtful, for the Van of the Queen's Troops falling unluckily among ſome Ditches, were on both Sides ſo ſeverly gall'd by the Enemies ſmall Shot, as they were forced to ſhrink back. This haſty Retreat quite diſordered the Rear, and every Man fearing an Ambuſcade, or that there was ſome Treachery in the Matter, made the beſt of his Way from the Field. Some indeed have been ſo ill-natured, as to impute the Loſs of the Battle to the ill Conduct of the General, and would endeavour, very unjuſtly, to brand him with Diſloyalty, if not of Treachery, in this Affair; but 'tis certainly without any real Ground: For the Earl at this Time, and long thereafter, was as heartily engaged in the Queen's

Queen's Intereſt as any Nobleman in the Kingdom, and that which puts the Matter out of all Doubt, was the entire Confidence the unfortunate Queen Her ſelf placed in his Lordſhip: For while She remained a Priſoner in *England*, She was pleaſed to conſtitute the Duke of *Chatlerault*, his Lordſhip the Earl of *Argyle*, and the Earl of *Huntly*, Her Lieutenants throughout the Kingdom (*a*): By Virtue whereof the War was as vigorouſly preſſed as ever, tho' but with little Succeſs. But no Want of Succeſs was able to diſcourage the Earl from proſecuting, in a very hearty Manner, the Relief of his diſtreſſed Sovereign, and for bringing Things to run in their old Channel again, tho' nothing ſucceeded, that was ſet on Foot for the Queen's Relief, while the Earl of *Murray* the Regent lived: But the Regent being ſlain in the beginning of the 1570, the Earl of *Argyle*, and others of the *Queen's* Friends, apprehending they had now a fair Opportunity to reſtore their Sovereign, ſummon'd a Parliament in Her Majeſty's Name, to meet at *Linlithgow* in *Auguſt* thereafter; but by Queen *Elizabeth*'s Aſſiſtance, the Queen's Party were overborn, their Meaſures broke, and, notwithſtanding of all the Oppoſition they were able to make, the Earl of *Lennox*, the young King's Grand-father, was choſen Regent.

THE Earl being a wiſe Man, and entirely devoted to his Country, upon a reaſonable Foreſight of what was like to befal the Kingdom, if the War was continued; and that any further Appearance for the Queen, in Her preſent Circumſtances, could be to no Purpoſe, but rather a Diſadvantage to Her: And withal conſidering, how the Government, in the young King's Name, was ſupported by the Queen of *England*: I ſay, upon this Proſpect, that it was impoſſible to do the Queen any further Service, at length he came over to the young King's Party, and ſubmitted to the Authority of the Regent, the Earl of *Lennox*.

THE Earl of *Argyle* having now complied with the Government, he came quickly into the Miniſtry; and being a Nobleman of excellent Parts, he came to make no leſs a Figure on the King's Side, than he had done on the Queen's Party, inſomuch, as upon the Death of the Regent, he ſtood a Candidate for the Regency (*b*): But the Earl of *Mar* being preferred to the Office, he was pleaſed to appoint his Lordſhip one of the Lords of the Privy-Council, on the 5th of *September*, 1571 (*c*). The reſt of the Council, were the Earls of *Montroſe*, *Glencairn*, *Crawfurd*, *Eglinton*, *Caſſils*, *Buchan* and *Caithneſs*, the Maſter of *Mariſhal*, the Lords *Semple*, *Lindſay*, *Boyd* and *Cathcart*, the Commendator of *Arbroath*, (this was one Mr. *Douglas*, a natural Son of the Earl of *Angus*'s, who had got the *Commendam* of that *Abbacy*, upon the Forfeiture of Lord *John Hamilton*) the Commendators of *Drybrugh* and *Newbottle*, together with the hail Officers of State, *viz.* the Chancellor, the Treaſurer, the Comptroller, the Secretary, the Keeper of the Privy Seal, the Clerk-Regiſter, the Juſtice-Clerk, the Advocate, and the Maſter of Requeſts. The Earl of *Mar* having lived but a very ſhort while Regent; and the Earl of *Morton*, the Lord Chancellor, upon his Death, being preferred to the Regency, he thereupon reſign'd the Great Seal, which was immediately put into the Hands of the Earl of *Argyle*, with the Title of Lord Chancellor, by His Majeſty's Gift in theſe Words:

Jacobus, Dei Gratia Rex Scotorum; quia nos, cum aviſamento & conſenſu fideliſſimi noſtri conſanguinei Jacobi, Comitis de Morton, Domini de Dalkeith, noſtri Regni & Leigeorum noſtrorum Regentis, fecimus, conſtituimus & ordinamus prædilectum noſtrum conſanguineum & conſiliarium, Archi-

(*a*) Rymer's Fœdera Angliæ, There is a Commiſſion granted by the Duke of Chatlerault, the Earls of Huntly and Argyle, the Queen's Lieutenants, to the Lord Seaton, to go Ambaſſador to the Duke of Alva, in 1570, for Supplies of Men and Money, for the Queen's Service. (*b*) Records of the Privy Council, in the Signet-Office at Edinburgh. (*c*) Ibidem.

baldum, Comitem de Argyle, Dominum Campbell & Lorne, Juſticiarium noſtrum Generalem, Cancellarium Regni noſtri, ac Magni Sigilli noſtri Cuſtodem, pro omnibus ſuæ vitæ diebus; pro cujuſquidem officii uſu & exercitatione dedimus & conceſſimus eidem, omnia fœda, privilegia & devorias, præfato officio pertinen. aut pertinere valen. tenend. & habend. totum & integrum præfatum officium Cancellarii, ac dicti Magni Sigilli noſtri Cuſtode, cum omnibus fœdis, privilegiis & devoriis, præfato noſtro conſanguineo & conſiliario, Archibaldo, Comiti de Argyle, pro omnibus ſuæ vitæ diebus, cum poteſtate eidem, dictum officium, in omnibus & per omnia exercend. & utend. ſimili modo & adeo libere, ſicut aliquis alius noſter Cancellarius, dicto officio per prius gavijus eſt. Apud Edinburgum, decimo ſeptimo die menſis Januarii, anno mileſſimo quingenteſſimo ſeptingenteſſimo ſecundo, & regni noſtri ſexto (a).

THE Adminiſtration of Affairs being now, in a very great Degree, in the Hands of the Lord Chancellor: It muſt be owned, and it ought juſtly to be acknowledged to the Honour of his Memory, that he uſed his utmoſt Endeavours to get Matters accommodated with the Queen's Party, without bringing Things to Extremities: For as he always propoſed temperate Councils, ſo he ſet himſelf to do his old Friends all the good Offiecs in his Power: For it was by his Endeavours chiefly, that Matters were comprimiſed by the Treaty of Pacification at *Perth*, in the 1573. In Conſequence of which, the Duke of *Chatlerault*, the Earl of *Huntly*, and all the Leading Men of the Queen's Side, were brought over to acknowledge the Authority of the young King; and become, what the Miniſtry were ſo ſolicitous of, *all one Man's Bairns*, as it was phraſed. The Peace of the Country, by the Lord Chancellor's Means, being now happily ſecur'd, Things henceforth went on ſmoothly enough with his Lordſhip, ſave that he was now and then rack'd with that cruel Diſtemper, the Stone, which put an End to his Days on the 12. of *September*, 1575, aged 43 Years or thereby: He left no lawful Iſſue, tho' he was twice married, firſt to the Lady *Jean Stewart*, natural Daughter to King *James* V. and again to the Lady *Jean Cuninghame*, Daughter of *Alexander* Earl of *Glencairn*; ſo that his Eſtate, on his Death, devolved to Sir *Colin Campbell* of *Buchquhan*, his Brother of the half Blood.

John Lord *Glammis*.

THIS Noble Lord was the Son of *John* Lord *Glammis*, by *Janet* his Wife, Daughter of *William* Earl *Mariſhall*. He had a very good Education; and tho' his Father's Firſtborn, and the Heir of his illuſtrious Family; yet in his Youth he applied himſelf, with more than ordinary Succeſs, to the Study of Religion and Learning, in which he made as good an Appearance, from the Time he acted on the Stage of Buſineſs, as any Man of Quality in that Time. His Lordſhip being a Relation of the Earl of *Morton*'s, he was by him brought into the Court, and made firſt a Privy Counſellor (*b*), and then preferred to the Chancellor's Place, on the Death of the Earl of *Argyle*, in the End of the 1575. What it was that diſguſted the Lord Chancellor, and induc'd him to deſert his old Friend, the Regent, I leave the Reader to judge himſelf; but certain it is, he fell off from his Intereſt (*c*), and contributed not a little toward his Removal from the Regency: For upon the firſt Motion he made to reſign his Office, the Lord Chancellor was ſent to him from the King, to let him know, His Majeſty had determined to accept the Government in his own Perſon; and withal to require him to ſend his Declaration in Writing, *For teſtifying his Obedience, and Allowance of what was done (d)*. The Earl find-

(*a*) Charta in publicis Archivis. (*b*) Records of the Privy Council of the Year 1572. (*c*) Calderwood's Church Hiſtory, M. S. in the Library of the Univerſity of Glaſgow. (*d*) Biſhop Spotiſwood's Church Hiſtory.

finding there was no Place left for him to reſile, concealed his Diſcontent, and ſatisfied the Court the beſt Way he could; and to ſhow he ſtill placed an unſuſpected Confidence in the Lord Chancellor's Friendſhip, he was pleaſed to conſtitute his Lordſhip and his own Nephew, the Earl of *Angus*, his *Procurators*, to compear before the King to make a formal Demiſſion of the Regency, with ſuch Solemnities as were requiſite in Law.

THE King of himſelf, ſtill intending to uſe the Earl of *Morton* gently, ſent the Lord Chancellor to the Earl with ſome Meſſages; and tho' they were not at all agreeable to him, yet he gave ſuch mild Anſwers thereto, as ſatisfied the King, and ſuch of the Court as were not his implacable Enemies, and aim'd at his Ruin. But the Chancellor unhappily that Night he returned to *Stirling*, before he could wait upon the King to deliver his Meſſage, was accidentally ſhot thro' the Head in the open Street, in a Squabble, betwixt his and the Earl of *Crawfurd*'s Footmen, the 17th of *March*, 1578 (*a*). The King ſuſtained a wonderful Loſs in the Death of the Lord Chancellor, for he was a Nobleman of great Wiſdom and Temper, and univerſally lov'd and eſteem'd. Archbiſhop *Spotiſwood*, our learn'd Eccleſiaſtick Hiſtorian, ſpeaking of this diſmal Accident, ſays, *The Death of the Lord Chancellor was much lamented, falling out in the Time when the King and Country ſtood in moſt Need of his Service: He had carried himſelf with much Commendation in his Place, and acquir'd a great Authority. Moſt careful*, adds the Biſhop, *was he to have Peace conſerv'd, both in the Country, and in the Church; and laboured much to have the Queſtion of Church Policy ſettled: Upon which Subject, he interchang'd diverſe Letters with* Theodore Beza, *the famous* Geneva *Divine.* His Lordſhip indeed ſeems to have been moſt ſolicitous to have had the Polity of the Church eſtabliſhed, and Things brought to a more perfect Settlement: For in the 1575, when the Presbyterian Project, for Parity in the Church, was ſet on Foot by Mr. *Melvil*, the Lord Chancellor was willing enough to have humour'd the Clergy: But his main Difficulty was, that Epiſcopacy could not be ſuppreſs'd, without ſinking one of the three Eſtates of Parliament. This more fully appears from one of the Letters his Lordſhip wrote to Mr. *Beza*, craving his Judgment in the controverted Points of Church-Diſcipline; wherein he thus ſpeaks: *Since every Church has its own Paſtor, and the Power of Paſtors ſeems to be coordinate by the Chriſtian Inſtitution; the Queſtion is, Whether the Epiſcopal Function is neceſſary for drawing theſe Paſtors into a Synod, upon Occaſion, for ordaining Paſtors, and for exerciſing the Cenſures of the Church? Or whether 'tis more elegible, that the Paſtors managing upon Terms of Equality, and under the Check of no Prelatick Superiority, ſhould elect Perſons into the Miniſtry, with the Conſent of the Patron and People, and likewiſe be impowered to cenſure, depoſe,* &c. *For keeping on the Biſhops* (continues the Lord Chancellor) *we have theſe two Motives:* First, *The ſtiff and ungovernable Temper of the People: The dealing with this Stubbornneſs would, in all likelihood, be impracticable, were it not for the Force of the Epiſcopal Character and Juriſdiction. The other Motive is, That, by the ancient Conſtitution of the Realm, no thing can paſs in Parliament without the Biſhops, who make the third Eſtate. Now to change this Uſage, and ſink this Third, would be extreamly dangerous,* &c.

THE Lord Chancellor left Iſſue by *Elizabeth* his Wife, Daughter of *Alexander* Lord *Saltoun*; *Patrick* his Son and Heir, who was the firſt Earl of *Kinghorn*; *Jean*, married to *Robert Douglas* of *Lochleven*, Son and Heir apparent of *William* Earl of *Morton*, next to *Archibald* Earl of *Angus*, and laſt of all to *Alexander* Lord *Spainzie*, and *Elizabeth* to *Patrick* Lord *Gray*.

(*a*) Calderwood, and Johnſton's Hiſtoria rerum Britannicarum.

John Earl of *Atholl.*

THIS noble Lord was the Son and Heir of *John*, the third Earl of the illuſtrious Houſe of *Atholl*, by *Mary* his Wife, Daughter of *Archibald* Earl of *Argyle (a)*. There is nothing to be met with concerning the Earl, during the Progreſs of the Reformation of Religion; for being a ſtrict Papiſt, he oppoſed it all he could; and when the reformed Doctrine was to be ratified in 1560, he and the Lords *Borthwick* and *Somervel* were the only three Peers who diſſented from it; they ſaid, *They would believe as their Fathers had done before them (b)*.

THE Earl's being a zealous *Roman* Catholick, 'tis like enough, was none of the leaſt Motives that induced the Queen in the 1561, to call him to Her Privy-Council, where he was always very obſequious to Her Majeſty, and gratified Her exceedingly, by forwarding all he could her Marriage with the Lord *Darnly*; and, perhaps, not the leſs, that that Lord had been bred Papiſt, profeſs'd that Religion, and was his near Kinſman and Nameſake too.

ABOUT this Time Her Majeſty, the more to oblige the Earl, and to ty him to Her Intereſt, was pleaſed to give him a Commiſſion of Juſticiary, in the Northern Parts (*c*), that he might be able the more to crub and overaw ſome of his powerful Neighbours, whoſe Loyalty, even at that Time, the Queen had begun to ſuſpect. His Lordſhip was, among other of the Favourites, preſent at the Chriſtning of the Prince, King *James* VI. (*d*) after the Popiſh Manner, yet was never queſtioned for it, as ſome others were: The Reaſon ſeems to be, that he was not of the Proteſtant Communion, elſe he could ſcarce have eſcaped the Cenſures of the Church for it.

SHORTLY after this, his Friend King *Henry*, being barbarouſly murdered by the Earl of *Bothwel* and his Accomplices in that impious Fact; the Earl laid it exceedingly to Heart, and tho' he was, and ſtill continued a zealous *Roman* Catholick, yet was amongſt the moſt forward and leading of all the Nobility, who ſtarted his Suſpicion, that the Earl of *Bothwel*, who had ſo villianouſly murder'd the Father, might practiſe the ſame Impiety upon the Prince the Son: And therefore mov'd in a Convention of the Nobility, that an Aſſociation might be enter'd into for the Preſervation of the young Prince, and for bringing the Regicides to a ſpeedy Trial: But that Point being carried, he would go no further Lengths with the Aſſociators: *For*, ſays Sir *James Melvil*, *he ſtill continued to bear a great Love to the Queen, and had Compaſſion upon Her Eſtate, and enter'd into the Enterpriſe of the Aſſociation, only for Safety of the Prince, and the Puniſhment of the King's Murder* (*e*). But afterwards the Queen being induced by Force to reſign the Crown, *as weary of the Pains and Travel of Government; and deſiring that, in Her Lifetime, Her Son might be plac'd in the Kingdom*, as was given out (*f*); the Earl ſo far concurr'd in the new Settlement, that with many others of the Nobility, he enter'd into a Bond of Aſſociation, *Wherein they promiſed, and bound themſelves to aſſiſt their King, in ſetting him on the Throne, and putting the Crown on his Head: And that they ſhould give their Oaths of Homage, with all dutiful Obedience to him, as became true Subjects; and ſhould concur in eſtabliſhing him in his Kingdom, and reſiſt all ſuch as ſhould oppoſe it.* The Bond which was made to this Purpoſe, and is now kept in the Library of the College of *Glaſgow*, is in the Collection of Records at the End of this Volume.

BESIDES this firſt Bond, the Earl of *Atholl* enter'd into a ſecond Bond, in

(*a* Records of Parliament ad annum 1566. (*b*) Archbiſhop Spotiſwood's Hiſtory of the Church of Scotland, Book 3d, Page 156, and Biſhop Burnet's Hiſtory of the Reformation of the Church of England, Vol. 2d. (*c*) Records of Parliament ad Annum 1565. (*d*) Archbiſhop Spotiſwood's Hiſtory of the Church of Scotland. (*e*) Sir James Melvil's Memoirs of the Affairs of State, during a Part of Reign of Queen Mary, and the Minority of King James VI. Page 87. (*f*) Records of Council in the Signet-Office.

in *April* 1569, wherein his Lordſhip and the reſt of the Subſcribers, *Did not only acknowledge the young King's Authority, but likewiſe the Authority of the Earl of* Murray *as Regent, (during the King's Minority;) and they ſwear to obſerve this Bond*; in which if they fail'd, *They were contented to be counted falſe, perjured, and defamed for ever.*

BUT tho', as has been hitherto obſerved, the Earl went as far as any Man in ſecuring the Prince, and ſettling him on the Throne; yet he could never be induced by the Party to go on in their Courſes, in Defaming the Queen; a Thing he infinitely abhor'd, as diſhonourable to the Nation: For being a wiſe Man, and clearly foreſeeing a Storm a gathering, he reſolved betimes to ſhelter himſelf in a voluntary Retreat, and therefore withdrew to his Seat in the Country, where he lived in great Splendor upon his own Eſtate, which was very great, by which he enjoyed, the greateſt Tranquility of any great Man of the Kingdom, throughout the whole boiſterous Times that followed, till the King's Acceptation of the Government in his own Perſon, in the 1577, at which Time His Majeſty having, *with Advice of the Nobility and Eſtates* (*a*), named a new Privy Council; his Lordſhip was called to the Board, and being a Perſon of moſt accompliſhed Parts, and much valu'd and eſteem'd by the Party who now guided the Court, he was conſtituted Lord High-Chancellor of *Scotland*. His Nomination to, and his Acceptance of this great Office, is thus entred in the Council Records (*b*).

Stirling, 29. of *March*, 1577.

THE quhilk Day John *Erle of* Athole *being nominate, and electit Chancillar of the Realme, gaiff his Ayth in Preſens of the Kingis Majeſty, and Lordis of ſecret Counſale, for due and lawful uſing the ſamine, as appertainis, as he wald anſwer to God, and his Hieneſs, upon his Charge and Peril.* But before the Lord Chancellor had enjoyed the Office, little above one Year, being called to *Stirling*, where the Court then remained, to ſettle a private Quarrel betwixt ſome of the Friends of the Family of *Mar* (about the young Earl of *Mar*'s Right of the Cuſtody and Government of *Stirling* Caſtle) which the King had reſolved he would have removed without any Noiſe or Buſtle: And Matters being ſeemingly comprimiſed and adjuſted among the Parties, that the Agreement might be the more perfect, the old Counteſs of *Mar*, or the Earl of *Morton* in her Name, invited the Chancellor, and ſeveral others, to as ſplendid an Entertainment, as the Place could afford. While they were drinking hard, as the Story is told, ſome Body or other conveyed a deadly Poiſon into the Chancellor's Glaſs, of which he died four Days thereafter, on the 24th of *April* 1579. Some blamed the old Counteſs of *Mar* for it, others ſuſpected the Earl of *Morton* at the Bottom of it; but tho' the Chancellor on his Death-bed declared to his Lady, and others about him, that he thought he had got foul Play in the Caſtle of *Stirling* (*b*), yet he named no Body as the Authors of his Death; and ſince he was ſo modeſt as to mention no particular Perſons himſelf, it becomes us much, more at this Diſtance of Time, to be ſo, ſince the Diſcovery of that Matter will, in all Appearance, be a Myſtery, till the Time of the Revelation of all Things. However, the Chancellor's Friends were ſo heartily perſwaded that he had been poiſoned, that they ſent for Phyſicians and Surgeons from *Edinburgh*, to open the Body which lay at *Kincairdine*: And tho' they ſolemnly declared upon Oath before the Council, when they were examined, that they found no Marks of Poiſon, or of any other Violence done to the Deceaſed, yet the Counteſs-Dowager of *Atholl*, and the young Earl her Son, formally entred a Proteſtation, that the Trial of the Council ſhould not prejudge the criminal Purſuit,

(*a*) Records of Council. (*b*) Ibidem ad Annum 1579.

which they intended before the Juſtice-General *(a)*. Upon the 4th of *July* thereafter, the Lord Chancellor was, with great funeral Solemnity, interred in the South Iſle of the Collegiate Church of St. *Giles*, *Edinburgh (b)*; where a ſtately Monument was erected over his Grave. On the Head of the Tomb there is placed a *Pelican* vulnerate, feeding her young with her Blood, the Emblem of Affection of Parents to Children; and is uſed as a Device here, to ſignify the Love and Devotion this Noble Lord ever carried towards his Country: *Oſtendens*, ſays my Author, *(c) illum fuiſſe paratum, pro civium ſalute, ſanguinem ſuam profundere.*

The Lord Chancellor left Iſſue by *Elizabeth* his firſt Wife, Daughter of *George* Earl of *Huntly*, two Daughters.

Elizabeth, married firſt to *Hugh* Lord *Lovat*, next to *Robert* Earl of *Lennox* and *March*, and laſt of all to Sir *James Stewart* of *Bothwel-muir*, Earl of *Arran*, and Lord High-Chancellor of *Scotland*, in the Reign of King *James* VI.

Margaret, to *George* Lord *Abernethy* of *Salton*.

Also by *Margaret* his ſecond Wife, Daughter of *Malcolm* Lord *Fleming*, Lord High-Chamberlain of *Scotland*, he left a Son, *John*, who ſucceeded him in his Eſtate and Honour; but died without Iſſue male. Alſo three Daughters.

Griſſel, married to *David* Earl of *Crawfurd*.

Jean, to *Duncan Campbel* of *Glenurchy*.

Anne, to *Francis* Earl of *Erroll*.

Colin Earl of *Argyle*.

Was the only Son of *Archibald*, the 4th Earl of *Argyle*, by the Lady *Margaret Graham* his ſecond Wife, Daughter of *William* Earl of *Monteith*. The Earl his Father took great Care of the Education of his Son, and provided him to a good Eſtate in Land, which was a competent Proviſion for a younger Brother; and being a Perſon of very bright Parts, and of great Reputation throughout the Kingdom, had the Honour of Knighthood conferr'd on him by the Queen, much about the Time Her Majeſty return'd from *France*, *Anno* 1561.

Upon the breaking out of the War in that Reign, Sir *Colin* was not on his Brother the Earl's Side of the Quarrel, for the Queen; but very zealous for the young King, and is a Subſcriber of all the Bonds and Aſſociations that were then enter'd into, for putting the Crown on his Head, and ſettling him on the Throne. For our Learned Church Hiſtorian (*d*) obſerves, That while the Earl of *Argyle* adher'd to the Queen, *his Brother*, meaning Sir *Colin*, *refuſed to follow him in that Quarrel, for that he carried a conſtant Affection to the maintaining of the King's Authority*. Tho' this noble Earl came to be the Head of his illuſtrious Family, on the Demiſe of his Brother, in the 1575, as I have already obſerved; yet I have met with nothing memorable concerning him, either in our publick Hiſtorians, or in the Archives of the Kingdom, till the 1577, than his Lordſhip having not a little contributed to humble the Earl of *Morton* the Regent, and to bring about the young King's Acceptation of the Government in his own Royal Perſon, he was thereupon named one of the Lords of His Majeſty's moſt honourable Privy-Council (*e*), and had a more than ordinary Share in his King his Maſter's Favour and Eſteem. It was from a juſt Deteſtation of the horrid *Parricide* committed on the King's Father, that he did all he could, in a fair Way, to proſecute the Earl of *Morton* to the Death; for the concealing that impious Deſign, and was one of the Peers who ſat on his Trial, and condemned him to loſe his Head (*f*). His Lordſhip daily increaſing in His Majeſty's Favour

(*a*) Records of the Council, and Biſhop Spotiſwood's Hiſtory of the Church of Scotland. (*b*) Spotiſwood. (*c*) R. Johnſton's Hiſtoria rerum Britannicarum Page 53. (*d*) Archbiſhop Spotiſwood. (*e*) Records of the Privy-Council. (*f*) Records of Council.

vour, he was graciouſly pleaſed to make him Lord High-Chancellor of *Scotland*, on the Death of the Earl of *Atholl*, 16th of *Auguſt*, 1579. And the ſame Day he took the Oath of the Office *in Preſence of the King's Majeſty and Lords of Secret-Council, for due and lawful Adminiſtration of the ſaid Office in Time coming, as effeirs* (*a*): And accordingly he held the Place above five Years, with the univerſal Approbation of the whole Kingdom, and the general Applauſe of all good Men, even till his Death in the Year 1584: Tho' by Reaſon of the ill Habit of Body he was in, ſome Time before his Death, Captain *Stewart* was appointed to officiate as Chancellor (*b*).

THE Earl of *Argyle* the Lord Chancellor, left Iſſue by the Lady *Agnes Keith* his Wife, Daughter of *William* Earl *Mariſchal*, and Widow of *James* Earl of *Murray* the Regent, *Archibald* his Succeſſor, and Sir *Colin Campbell* of *Lundie* Baronet.

James Earl of *Arran*.

THE Houſe of *Ochiltree*, of which this Gentleman was a Son, ſprung from a natural Son of *Murdo*, Duke of *Albany*, as has been obſerved in the Life of *Andrew* Lord *Evandale*, who dying without Iſſue-male, he was ſucceeded in his Eſtate by his Nephew, *Alexander Stewart* of *Morphy*, who was again honoured with the Title of Lord *Evandale*, by King *James* IV. This noble Lord, by *Margaret* his Wife, Daughter of Sir *John Kennedy* of *Blairquhan*, left Iſſue three Sons, *Andrew* his Heir, *Henry* Lord *Methven*, and Sir *James Stewart* of *Beith*. This *Andrew* was he, who got his Title of *Evandale*, changed to that of Lord *Stewart* of *Ochiltree*, by Act of Parliament in the 1543 (*c*): He married *Margaret*, only Daughter of *James* Earl of *Arran*, by *Beatrix* his firſt Wife, Daughter of *John* Lord *Drummond* (*d*), by whom he had *Andrew* the next Lord *Ochiltree*, who was the great Re-former in the Weſtern Parts, who by *Margaret* his Wife, Daughter of *John Cuninghame* of *Caprington*, had *Andrew*, Maſter of *Ochiltree*, who died in the Lifetime of his Father, and Captain *James Stewart* of *Bothwel-muir*, and Earl of *Arran*, the Lord Chancellor, whoſe Life I write.

MR. *Stewart* being a younger Brother, he early and from his Youth devoted himſelf to Arms, and entering into the Service of the States of *Holland* againſt the Crown of *Spain*, he attain'd to the Degree of a Captain, and to the Reputation of an Officer of Courage, after a few Years Service. Upon his Return home, he betook himſelf to the Court; and being a young Man of Breeding and Addreſs, he ſoon found Means to render himſelf exceeding gracious to the King; inſomuch, that in few Days after his firſt Appearance in Court, he was made Gentleman of the Bed-chamber, Knighted, made a Privy-Counſeller, and Tutor of *Arran* (*e*). But nothing contributed more toward advancing his Greatneſs with his Maſter, then his accuſing the Earl of *Morton*, as, at leaſt, privy to a horrible Crime, the Murdering the King's Father, that expoſed him to the utmoſt Severity of the Law: And the Earl being executed for the foreſaid Crime, Captain *Stewart*'s Proceedings, in the whole Affair, was approv'd of in Council as good Service to His Majeſty and the Eſtates, in as ample Form as he or his Lawyers could ſuggeſt.

HE acted very few Weeks upon the Stage after this, when he mounted higher; and being made Captain of His Majeſty's Guard (*f*), without any other Qualification, he was, at the ſame Time, created Earl of *Arran* (*g*): For tho' he had aſſumed that Title before, yet he would needs have a formal Creation to the Honour, upon ſome Kind of Pretence, that his Grandmother, the Lady *Ochiltree*, was a Daughter of the Earl of *Arran*'s, by a former Wife than the Lady, by

(*a*) Records of the Privy-Seal in the Signet-Office. (*b*) Ibidem (*c*) Records of Parliament. (*d*) Charta in publicis Archivis. (*e*) Records of the Privy-Council. (*f*) Biſhop Spotiſwood, Sir James Melvil's Memoirs, and Calderwood's Church Hiſtory. (*g*) Charta in publicis Archivis, 22d of April 1581.

whom the Earl had the Duke of *Chatlerault*, and was accordingly veſted in the Dignity he ſo much affected, with the greateſt Solemnity that could be deviſed. But his Ambition was without any Meaſure; for tho' he had owed very much of his Riſe to the Duke of *Lennox*'s Favour, yet he would needs pretend to rival his Grace in the King's Affections, believing himſelf ſo far faſtned in His Majeſty's Favour, that he did not now ſtand in Need of the future Support of the Duke, who was the firſt Favourite: And in this Confidence, he had the Courage to fall into ſeveral Conteſts with his Grace, which by the King's Royal Mediation and Interpoſition, were compoſed and removed; the Earl, in the End, however ſtooping ſo far, that he parted with the Command of the Guard at His Majeſty's Deſire, which was immediately conferr'd on the Duke (*a*), to the other's great Diſpleaſure.

THE Duke and the Earl being, in outward Apppearance, ſeemingly reconcil'd, he had, for ſome Time, the entire Diſpoſal of all the Graces of the King, in conferring all the Honours, and all the Offices of the Kingdom, without a Rival. But being a Man of an imperious Nature, and of unbounded Ambition, his Greatneſs became an univerſal Grievance; for not only were the Nobility exceedingly provoked with his inſolent Behaviour, but People of all Conditions, who ſaw the King and the Kingdom wholly govern'd according to his Will and Pleaſure, and that without Controul. A Learn'd Author (*b*), who wrote the *Memoirs* of thoſe Times, ſays, *His Proceedings were deteſted, and he eſteem'd the worſt and moſt inſolent Inſtrument that could be found out to wrack King, Kirk and Country.* Whereupon ſundry of the Nobility, being no longer able to endure this haughty Favourite, reſolved not only to have him deprived of his large and unlimited Power, but alſo to remove him from His Majeſty's Preſence and Councils for ever: And for that End, they enter'd into a Combination to detain the King, while he was at the Earl of *Gourie*'s Houſe of *Ruthven*, which they did on the 23d of *Auguſt*, 1582. Theſe Lords *Reformers*, as they were call'd, did, in Juſtification of their Enterprize, publiſh a *Manifeſto* againſt the Earl, wherein they ſpoke of the Exceſs of his Power, which, in Reſpect of his Character and ill Diſpoſition, ought not to prevail ſo much upon the King, as it did in all Affairs: And thereupon they humbly beſought His Majeſty, *That he might be removed from His Councils and Preſence*, without which, they conceiv'd, the Peace of the Country could not be ſecur'd. The Declaration it ſelf being curious, and but in few Hands, I have put it in the Appendix, at the End of this Work.

THE Earl of *Arran* being at *Kinniel*, upon Notice of what had paſt, haſtned to the King's Relief with all Expedition, by a private Way, and out of the common Road: But he no ſooner came to *Ruthven*-Caſtle, than he was debarr'd Acceſs to His Majeſty, ſhut up a cloſs Priſoner in a Chamber in the Caſtle; and the next Morning, without ever being permitted to ſee the King, was ſent Priſoner to the Lord *Oliphant*'s Houſe of *Dupline*: And tho' he was afterwards enlarg'd, yet he was, by ſpecial Command of the Faction, confin'd Be-north the River of *Earn* (*c*): But by the Earl of *Gourie*'s Means, to whom he was allied (*d*), his Reſtraint was taken off, and had the Favour, ſays my Author, *to be warded at Kinniel* (*e*), which he call'd his own Houſe, where he remain'd till the Year 1583; the King found Means to make his Eſcape to *St. Andrews*, and to free himſelf of his *Ruthven* Attendants, by Means of Colonel *Stewart* and certain Noblemen, who had laid the King's Reſtraint exceedingly to Heart.

How

(*a*) Spotiſwood, Melvil, and the Records of the Council. (*b*) Sir James Melvil, Page 131. (*c*) Melvil's, Memoirs, Calderwood and Spotiſwood, Page 323. (*d*) Melvil's Memoirs. (*e*) Ibidem, Page 137.

How ſoon the Earl of *Arran* underſtood the King his Maſter was at Liberty, he did not venture, (which was ſtrange, conſidering the Humour and Nature of the Man) to break his Confinement; but ſent *to congratulate His Majeſty upon His Deliverance, and humbly begging he might have Acteſs only once to come and kiſs His Hands* (*a*). Tho' his Requeſt was at firſt much oppoſed by moſt of the Lords who were about the King, yet His Majeſty's own earneſt Deſire to ſee the Earl, *who*, He ſaid, *had hazarded his Life to relieve Him* (*b*), prevail'd ſo far, *that he was again brought to Court*, where he quickly manag'd Matters ſo dextrouſly, and to the Ends he had in View, that he once more became the firſt Miniſter, and wrought ſo far with the King, that, with very little Deliberation a Proclamation was publiſhed, condemning the detaining of His Majeſty's Perſon at *Ruthven* the Year before, *as a Fact moſt treaſonable* (*c*). Yet His Majeſty, of His own innate Royal Clemency, was graciouſly pleaſed to declare, *That he was reſolved to forget and forgive that Offence, providing the Actors and Aſſiſters do ſhew themſelves penitent for the ſame, ask Pardon in due Time, and do not provoke him, by their unlawful Actions hereafter, to remember that Attempt* (*d*).

The Management of publick Buſineſs being now principally intruſted to the Earl; he firſt got the Command of the Caſtle of *Stirling*, and after that of *Edinburgh-Caſtle*; and the more to curb and over-aw the City, he procured himſelf, by a Faction, to be choſen Provoſt of the Town; and that he might preſide in the Parliament, Council and Seſſion, and carry every Thing to his Pleaſure there; he procured alſo from His Majeſty, tho' it was with Advice of the Council, the Reverſion of the Chancellor's Place, after the Death of the Earl of *Argyle*, which was daily expected, and he took out a Gift of the Office during Life, even before the Death of his Predeceſſor, which was thought an unuſual Method of Procedure (*e*). This Commiſſion, for the Narrative it proceeds on, and other ſingular Clauſes it contains, I have inſert in the Collection of Records.

But all theſe Honours the King had conferr'd on him, could not make him think himſelf great enough, till he needs would have the King to make him Lieutenant of the Kingdom alſo (*f*). *Now*, ſays Sir *James Melvil*, *the Earl triumph'd, being Chancellor, Captain of the Caſtles of* Edinburgh *and* Stirling; *he made the whole Subjects to tremble under him, and every Man to depend upon him, daily inventing and ſeeking out new Faults againſt diverſe, to get their Eſcheats, Lands, Benefices. And to procure Bribes*, adds he, *he vexed the whole Writers to make ſure his Gifts, and the Severity of his Proceedings cauſed*, ſays a Reverend Author (*g*), *ſuch a general Fear, as all familiar Intercourſe and Humanity was in a Manner left, no Man knowing to whom he might ſafely ſpeak, or open his Mind.* This inſolent Behaviour, rendered him exceeding odious to the whole Kingdom; and I think the Nation was really more inflamed againſt him, then againſt any other Courtier that I have obſerved in any Time: Whereupon many of the Nobility, ſuch as the Lord *John Hamilton*, the Lord *Claud* his Brother, the Earls of *Angus*, *Mar*, and others who had been exiled, ſome before, and ſome after the *Road of Ruthven*, ſupported by Queen *Elizabeth*, and ſecretly joined by ſome of the Court at Home, entred into a Combination to ſuppreſs the Earl, who was now become inſupportable, and to get him ſequeſtrated from His Majeſty's Councils, as the Perſon who had brought ſo much Miſchief upon the Kingdom.

The Chancellor being informed of the Deſign againſt him, cauſed a Proclamation to be publiſhed, com-

(*a*) Melvil Page 137. (*b*) Ibidem Page 138. (*c*) Spotiſwood Page 326. (*d*) Ibidem. (*e*) Warrant in the Records of the Privy Seal for the paſſing and expeding the Chancellor's Commiſſion, under the Great Seal 15th May 1584. (*f*) Spotiſwood. (*g*) Ibidem Page 337.

manding all His Majesty's loyal Subjects to meet him at the Castle of *Crawfurd*, for resisting the Attempt of the Rebels: So he styled the banished Lords. But Things were so prepared by the Court of *England*, that the Lords did prevent him in their Expedition. Having appointed their Rendevouze at *Linton*, to justify their Proceedings, they emitted a *Manifesto*, declaring the Cause of their Interprize to be *the Defence of the true reformed Religion, the Deliverance of the King from corrupt Counsellors*, (meaning the Earl of *Arran*, and Colonel *Stewart* the Commendator of *Pittenweem*) *and the preserving the Amity with* England, *which*, they said, *the Earl endeavoured to break*. In this Proclamation nothing was left unsaid that might render the Earl odious to the People: And, among other Things, they laid to his Charge, *That he had boasted of his Descent from* Murdo *Duke of* Albany, *and that Way laid Claim to the Crown, calling himself King* James *the* VII. It is true indeed, that in the Parliament the Year preceeding, he took a Protestation, that he renounced any Title he might pretend to the Crown that Way; which I imagine he did to purge himself of such an Aspersion *(a)*. The Protestation as it stands entred in the Books of Parliament, I have insert among the Collection of Records in the Appendix.

THE *English* Ambassador no sooner heard of the Lords being in Arms, but without taking his Leave, he retired in all Haste from *Stirling* to *Berwick*; but left a Letter to the King, to be delivered after he was gone: Wherein he blamed the Chancellor's Credit with the King, as the sole Cause of all the Troubles and Perplexities His Majesty was under. The Chancellor having seen the Ambassador's Letter, it exceedingly increased his Fears of the Under-hand Practices of his Enemies against him; and the Animosities of the Court gave the exiled Lords the greater Encouragement to proceed in their Enterprize.

Having rested some Days at *Falkirk*, they marched straight to St. *Ninians*, within half a Mile or so of *Stirling*, and put themselves in Order of Battle: But while *Arran* was making Provision for the Defence of the Town, and upon the Guard himself that Night, his Enemies having got Advertisement from their Friends within, they began to scale the Walls, and with little or no Resistance, took the Town. Upon which the Chancellor being informed, that they only aimed at his Life, he secretly fled with one Servant, and his Friends retir'd to the King in the Castle.

The Lord Chancellor being thus frighted away, his Place was not at all declared void, tho' he was deprived of the Title of Earl of *Arran*; the Court it seems were content he should make his escape; for no Enquiry was made after him, tho' it was well enough known whither he was gone: However, he was so deliberate in his Flight, that to prevent any sudden Attempt might be made to apprehind him, he locked the Gates of the Bridge behind him, and threw the Keys into the River of *Forth*. He lived privately after this amongst his Friends in the *North*, with a Noble Lady, who was his Wife's Sister for about two Years: But still imagining he was to be recalled to Court, and restored to his Office, as it would appear the King intended *(b)*: The Disappointment gall'd him exceedingly; and looking upon the Secretary Sir *John Maitland*, as the chief Instrument of the Delay, he contracted an implacable Displeasure against him, and took all the Ways he could contrive to ruin his Credit, and to bring him into Disgrace with the King his Master: For that End he transmitted to His Majesty, by a Name-sake of his own the Laird of *Craigiehall*, an Accusation against the Secretary *(c)*, as if by some Under-hand Dealing he had been accessory to that unparalleled Act of Blood, upon the Life of the King's Mother in *England*: But it seems not being able to make good the

(*a*) Records of Parliament. (*b*) Charta in Rotulis Privati Sigilli. (*c*) Spotiswood's Ecclesiastical History.

the Charge; and not ſo much as appearing at the Time appointed to diſcuſs the Matter in Council; and the King being ſatisfied of the Secretary's Innocency, in that Inſtant, he was pleaſed to declare Captain *Stewart*, for ſo he is deſign'd, depriv'd of the Chancellor's Place, which was immediately conferr'd upon the Secretary.

AFTER this, the degraded Lord Chancellor, Captain *Stewart*, liv'd privately, if not obſcurely, in the Weſt, in *Air* Shire, where he had an Eſtate of his own, till after the Death of the Lord Chancellor *Maitland*, that he repair'd again to the Court, where he was well received by His Majeſty, and had a Conference with him upon the Poſture of his Affairs, and put in Hopes to be reſtor'd to his Office; but the Juncture not being ripe for ſuch a Declaration, for the general Prejudice ſtill remain'd againſt him; and till Things were better prepar'd, he was adviſed to retire back to the Country, there to remain quietly, till a more favourable Opportunity ſhould offer for his Preferment again: Accordingly in the End of the Year 1596, as he was riding home-ward thro' *Symontoun*, near to *Douglas* (*a*), ſlenderly accompanied with a Servant or two, he was unexpectedly attacked by Sir *James Douglas* of *Parkhead*, a Nephew of the Earl of *Morton*'s the Regent; and upon the Score of the old Emulation againſt him, for his rigorous Procedure againſt his Uncle, kill'd dead upon the Place (*b*). He cut off his Head, which he carried upon the Point of a Launce, in a Kind of Triumph thro' the Country (*c*); and ſo little Charity was ſhown to his dead Body, that Mr. *Calderwood*, the Eccleſiaſtick Hiſtorian, who lived near the Time, tells us, *That before it was buried, it was expoſed to Dogs and Swine* (*d*). Archbiſhop *Spotiſwood* in his Hiſtory, reflecting on the Manner of Captain *Stewart*'s Death, ſays, *He was a Man full of Violence; and when he was in Place of Rule, executed it with great Cruelty, which was now paid him Home in the End.* *Little Diligence*, adds another Learn'd Author of theſe Times (*e*), *was made to revenge his Death, many thinking ſtrange, that he was permitted ſo long to live, in Reſpect of his arrogant and inſolent Behaviour, when he had the Court at his Will.* But Almighty God, who has reſerved Vengeance to himſelf, as his own moſt peculiar Prerogative, did, in a Manner, retaliate even the Death of this wicked Man upon the Author Sir *James Douglas*. For, ſeveral Years thereafter, one Captain *William Stewart*, a Nephew of the Chancellor's, meeting Sir *James* upon the High-Street of *Edinburgh*, drew his Sword, run him thro' the Body; and, in the ſame Moment, without ſpeaking one Word, he fell down dead (*f*).

CAPTAIN *Stewart* the Chancellor, by *Elizabeth* Counteſs of *March* his Wife, left a Son, Sir *James Stewart* of *Killeth*, who came afterward to be Lord *Ochiltree*, upon the Reſignation of the Lord *Caſtleſtewart*, *Anno* 1615. Being a Man of a reſtleſs Temper like his Father, and eager and impatient to win Credit at any Rate, he accuſed the Marqueſs, afterward Duke of *Hamilton*, of a Deſign upon the Crown of *Scotland*. But when the Matter came to be inquired into, and it was done by a very ſolemn Inquiſition (*g*), failing totally in his Proofs, he was condemned to perpetual Impriſonment in the Caſtle of *Blackneſs*; and, without Doubt, he would have remain'd under that Reſtraint till his Death, had not the *Engliſh*, when they became Maſters of the Country, after the Battle of *Worceſter*, in Compaſſion to his Age and Character, given him his Liberty. After which he ſpent the Remainder of his Days in a mean and obſcure Condition, till his Death in the Year 1655.

(*a*) Sir John Scot's Staggering State of the Scots Statesmen, from 1550 till 1650, M.S. penes me. (*b*) Archbiſhop Spotiſwood's Eccleſiaſtical Hiſtory. (*c*) Scotſtarvet's Staggering State, ut ſupra. (*d*) In his Church Hiſtory, Page 166. (*e*) Sir James Melvil in his Memoirs (*f*) Sir James Balfour's Annals ad Annum 1608, M. S. in Bibliotheca Accademiæ Glaſguenſis. (*g*) Journals of the Juſticiary.

John Lord *Thirlſtane.*

THIS noble Lord was deſcended from a Family of ancient Extraction in the County of *Haddingtoun*, ſeated there for many Ages before, even from the Time of King *Malcolm* IV (*a*). He was Grandſon to *William Maitland* of *Lethington*, who was ſlain at the Battle of *Flowdon* with King *James* IV. and Son to Sir *Richard Maitland*, who was Lord Privy-Seal in the Reign of Queen *Mary*, by *Mary* his Wife, Daughter of Sir *Thomas Cranſton* of *Crosby*. His Father having been a Judge in the Seſſion, took great Care to breed his ſecond Son in the Study of the Law, both at Home, and in foreign Parts (*b*). After this he betook himſelf to the Court, and lived there ſome Years before he had any Preferment, or received the leaſt Fruit from it; but the Countenance of great Men, and thoſe in Authority, who at length procur'd him, by the Queen's Bounty, the Abbacy of *Kelſo in Commendam*, which he quickly afterward exchang'd with *Francis Stewart*, the Queen's Nephew, for the Priory of *Coldingham* (*c*), which was ratified by Letters patent under the Great Seal, 7th of *February* 1566.

SHORTLY after this, the Times growing troubleſome, his Father, the Lord Privy-Seal, reſign'd his Office, which the Earl of *Murray* the Regent, in the Infant King's Name, conferred upon his Son, Mr. *Maitland*, the Prior of *Coldingham*. His Commiſſion bears Date 26th *Auguſt*, 1567 (*d*): But how ſoon the Lord Privy-Seal underſtood the Methods had been uſed to induce the Queen his Miſtreſs to reſign the Government to Her Infant Son, he fell off from the Party, and adher'd to Her Majeſty's Intereſt, with the moſt inviolable Fidelity, for which he ſuffer'd much during the Time of the War that ſoon after followed, both in his Perſon and Fortune: For he was depriv'd of his Office by Act of Parliament (*e*), and forfaulted of his Benefice: Whereupon the Privy-Seal was given to our learned and celebrated Hiſtorian, Mr. *Buchanan* (*f*), and the Priory of *Coldingham* to *Alexander Hume* of *Manderſton* (*g*), a great Crony of the Earl of *Morton* the Regent's.

THE Regent, upon what Grounds or Provocation I know not, having expreſs'd and declar'd a more than ordinary Animoſity againſt Mr. *Maitland*, he did not care to truſt himſelf in his Power; and therefore, for the greater Security of his Perſon; and that he might not fall into the Regent's Hands, he found Means to get to the Caſtle of *Edinburgh*, where he was protected by Sir *William Kirkcaldy* of *Grange*, till the 1573, the Caſtle was taken by the Regent, with the Aſſiſtance of ſome *Engliſh* Troops, lent him by his good Friend, Queen *Elizabeth* (*h*). Then Mr. *Maitland* was ſent Priſoner to the Caſtle of *Tamtallon* (*i*), where he remain'd ſome Time, till the Regent was pleas'd to relieve him from cloſe Priſon, and to confine him to the Lord *Somervel's* Houſe, and two Miles about it, under the Penalty of Ten thouſand Pound. The Order for his Confinement, ſtands thus recorded in the Acts of the Council.

Apud Holyrudhouſe, 15th of February, 1573.

Foraſmikill as my Lord Regentis Grace has grantit Libertie to John Maitland, *ſumtyme Prior of* Coldingham, *furth of his preſent Ward, to remain with* Hew *Lord* Somervell *at his Houſe of* Couthelie, *and tua Mylis thereabout, during the Will of his Soveraign Lord, and his ſaid Regent: Therefore* George Craufurd *of* Lochnoris, Francis Douglas *of* Borg, John Edmonſton *of That-ilk*, John Cockburn *of* Clarkington *younger, are become obliſt, and by the Tenor hereof, binds and obliſſes them conjunctlie and ſeveralie, that*

(*a*) Peerage of Scotland, Page 250. (*b*) Sir John Scot's Memoirs of the Stateſmen of Scotland, from the 1550, till the 1650, M. S. (*c*) Charta in publicis Archivis. (*d*) Ibidem. (*e*) Records of Parliament 1570, and Biſhop Spotiſwood's Hiſtory. (*f*) Charta in publicis Archivis ad Annum 1570. (*g*) Ibidem. (*h*) Spotiſwood, Melvil, Hume, Johnſton, &c. (*i*) Sir James Melvil's Memoirs.

that the ſaid John Maitland *ſall remain in the Companie of the ſaid* Hew *Lord* Somervell, *in his Houſe, and within the Boundis above written; and on na ways ſall eſchew or eſchape furth of the ſame, ey and whyle he be freed and relievit be our ſaid Soveraign Lord and his ſaid Regent. And alſo, that the ſaid* John, *in the mein Tyme, and whill his ſaid Releif, ſall behave himſelf deutifullie, and ſall do nor attempt na Thing directlie nor indirectlie in Hurt and Prejudice of our Soveraign Lord and Regentis Authoritie, and Commonweill of the Realm; nor ſall ſend Letters furth of the Realm, or receive Leters fra ony Perſonis, Strangers or utheris, now being within the ſame, without he make my Lord Regentis Grace Privie thereto, incontinent upon the ſending or recaving. And in like Manner the ſaid Cautioners ſall enter and preſent the ſaid* John Maitland, *before the ſaid Regent and Privy Council, when they ſhall be requeirit, upon fiveteen Days Warning, under the Pain of ten Thouſand Pundis* (a).

Mr. *Maitland* continued under his Confinement till the Fall of the Earl of *Morton*, who had ever been his Enemy, that his Reſtraint was taken off, and an Act of Council made thereupon, Declaring him *relivit of his Ward, and thereby allowed to reſort to ony Place of the Realm at his Pleſore. (b).* After this he betook himſelf to the Court again, and being a Gentleman of excellent Parts, and a good Proportion of Learning, became ſoon very acceptable to His Majeſty, inſomuch as he was quickly thereafter preferred to be one of the Senators of the College of Juſtice, the 26. of *April*, 1581 (c). Upon the Deprivation of Mr. *Archibald Douglas* Parſon of *Glaſgow*, who was then outlaw'd; and had fled for his being Acceſſory to the Murder of the King's Father, the Lord *Darnly*; and daily increaſing in His Majeſty's Favour, he had the Honour of Knighthood conferred on him, and conſtituted Secretary of State for Life, upon the Removal of the Abbot of *Dunfermling* Mr. *Pitcairn*, from the Office, by Letters Patent, bearing Date *May* 18*th.* 1584 *(d).*

Shortly after this, the King having reaped the Benefit of the Secretary's wiſe and prudent Conduct, in the Management of the Affair of the Road of *Stirling*, and in bringing the Conteſts among the Nobility to ſo happy and bleſſed an Iſſue without Bloodſhed, which His Majeſty had ſo much at Heart, it endeared him exceedingly to his Maſter; who well knowing his Lordſhip to be a wiſe Man, and worthy of any Truſt he ſhould repoſe in him, was graciouſly pleaſed, upon the Flight of the Chancellor, as hath been ſaid, to make him Lord Keeper of the Great Seal, with the Title of Vice-Chancellor, as a Recompence of his Merit and Vertue. How well His Majeſty judged his Lordſhip qualified for ſo great a Truſt, will beſt appear from his Commiſſion for the Office (e), which I ſhall preſent the Reader with, and here follows.

Jacobus, Dei Gratia, Rex Scotorum, omnibus probis hominibus ſuis ad quos præſentes literæ pervenerint, ſalutem. Sciatis, quia Cancellarii officium, inter omnia alia noſtri Status officia maxime neceſſarium exiſtens, per nobiliores regni noſtri viros, temporibus hiſce diu retroactis, poſſidebatur, quos, ratione privatorum ſuorum negotiorum, plerumque diſtrahi ob ejuſdem officium recta adminiſtratione, contigit: Recordantes itaque illud idem officium jam diu in manibus noſtris extitiſſe, defectu præcipue ſufficientis & eruditæ perſonæ, qui eidem officio merito poſſit provideri; quo fit ut non modica impedimenta juſtitiæ, & probus ordo in judiciis noſtris patiuntur; quæ quidem impedimenta, ut e medio tollantur, maxime neceſſarium conſiderantes, ut idem illud officium, jamjam per quandam, cum probo judicio, quam literatura & praxi, in omnibus regni noſtri negotiis pollentem denuo exerceatur; & perfecta experientia, in-

(a) Records of Council in the Signet Office at Edinburgh. (b) Act of the Council, of the date the 15th of February 1578. (c) Memoirs of the College of Juſtice, M. S. (d) Regiſters of the Privy-Seal, in the Parliament Houſe at Edinburgh. (e) In the Regiſters of the Privy-Seal in the publick Records at Edinburgh.

telligentes, tam literaturam, quam ſcientiam & praxin legum, judicium, ſolertiam & habilitatem dilecti noſtri & familiaris conſiliarii, Domini Joannis Maitland de Thirlſtane, militis, noſtri Secretarii, ad illud officium debite exequendum; idcirco fecimus, conſtituimus & ordinavimus, tenoreque præſentium facimus, conſtituimus & ordinamus, prædictum Dominum Joannem, noſtrum Vice-Cancellarium, ac idem illud officium, pro omnibus ſuæ vitæ diebus, illi, tenore præſentium damus & concedimus, cum omnibus & ſingulis devoriis, feodis & caſualitatibus eidem officio incumbent. & ſignanter Magni noſtri Sigilli Cuſtodem, ejuſdemque devorias nomine ordinarii feodi, per præfatum Dominum Joannem, gaudend. & poſſidend. tanquam indiviſibiliter prædicto officio, præſentium tenore annexat. durante ſpatio prædicto, cum poteſtate & authoritate, præſcripto Domino Joanni, prænominatum Cancellarii officium ſupplendi, ejuſdemque ſedem, & vicem occupandi, in omnibus & ſingulis judiciis, ubi Cancellarii vota requiruntur; idemque officium ſimili modo, & adeo libere in omnibus reſpectibus, gaudendi, poſſidendi & exercendi, omnibus affuturis temporibus, uti aliquis Cancellarius, infra regnum noſtrum, quovis tempore præterito ipſum officium poſſidebat, & ſignater videndi & inquirendi, ut probus ordo obſervetur, in Indifferenti adminiſtratione juſtitiæ, omnibus noſtris ſubditis. Vota & opiniones in omnibus rebus Parliamenta, privatum noſtrum Concilium, aut Seſſionem concernentem, inquirendi & accipiendi, laudabilem Cancellarii formam & ordinem, in ſolita integritate obſervatam, videndi. Inſuper in verbo principis fideliter per præſentes promittimus, quod ſi quovis tempore affuturo contigerit, nos Principale Cancellarii officium, cuivis ex Regni noſtri nobilibus, ſeu alio cuilibet tanto munere idoneo concedere, omnis tamen hujuſmodi, conceſſio & proviſio ſpecialem reſervationem, pre incerti feodi, & poteſtatis Vice-Cancellarii, tanquam inſeparabiliter eidem officio; tenore præſentium annexat. continebit, eoque præfato Domino Joanni, durante ſpatio præfixo, illud officium ſit illi conceſſum: Quare Dominos noſtri Secreti Conſilii, & Collegii noſtri Juſtitiæ Senatores, per præſentes requirimus, quatenus dictum Joannem, in dicto ſuo officio admittant, recipiant, reverent & agnoſcant, ut decet, prout illi, & eorum quilibet ſuper debita nobis obedientia, reſpondere tenentur, & ſub omni pœna quam erga noſtram regiam, in hac parte incurere poterint Majeſtatem. In cujus rei teſtimonium, præſentibus, Magnum Sigillum noſtrum apponi præcipimus, apud Holy-rood-houſe, ultimo die menſis Maii, anno Domini, mileſſimo quingenteſſimo octuageſſimo ſexto, & Regni noſtri decimo nono.

But how happily ſoever the Secretary had ſucceeded in reconciling the King to the exiled Lords, and gone very near reconciling the Lords amongſt themſelves, and quieting the Commotions of the Country; yet he quickly found he had a more difficult Task to encounter with, which was to endeavour a Reconciliation betwixt His Majeſty and ſome of the more bigotted of the Clergy, who now and then, from the Pulpit, pelted the Court, and ſometimes took the Freedom to utter ſome very indecent Expreſſions, even againſt the King Himſelf; particularly one Mr. *Gibſon*; I think he was Miniſter at *Pancaitland*, in a Sermon preach'd at *Edinburgh*, arraign'd the King in a very provoking Manner: He told the Audience, *That Captain* James, *with his Lady* Iſabel *and* William Stewart, Meaning the *Lord* Pitenweem, *were taken to be the Perſecutors of the Church; but now that it was ſeen to be the King Himſelf*; againſt whom, in a great Fit of Railing, *he denounced the Curſe that fell upon* Jeroboam, *That he ſhould die Childleſs, and be the laſt of his Race (a).* for this diſloyal Invective, he was ſummoned before the Council; but he was ſo Hardy as to decline the Juriſdiction of the Court, and could not be prevailed upon, no, not ſo much, as to promiſe a more inoffenſive Behaviour for

(a) Arch Biſhop Spotſwood's Eccleſiaſtical Hiſtory Page 344.

for the Future; and therefore for his Contumacy was committed to Priſon; which very many thought he well deſerved. Nothing that had fallen out, ſince His Majeſty's Acceptation of the Government in His own Royal Perſon, had ever given Him greater Diſquiet than this Affair, in which He judged the Dignity and Prerogative of his Crown ſo much concerned: In this Perplexity therefore He apply'd for Council to His wiſe and faithful Secretary; whom a reverend and learned Hiſtorian (*a*) tells us, adviſed the King in this Juncture, *To leave them to themſelves*; meaning, I ſuppoſe, the more biggoted Clergy; *for they would render themſelves Ridiculous by their Actings to the People; whereas His Majeſty by Impriſoning of them for their undutiful Speeches and Behaviour, rendered them the Object of their Compaſſion:* But His Majeſty, out of His Paternal Care of the Church, replyed, *True, my Lord, the Advice is Good, if I were purpos'd to undo the Church and Religion; but my Mind is to maintain both: Therefore I cannot ſuffer them to run into theſe Diſorders that will make Religion to be diſpis'd.* However, ſome have not ſtuck to ſay, that if His Majeſty had at this Time taken the Secretary's Advice, it had given Him much Eaſe and Quiet, during the after Part of his Life; for his Lenity toward ſome indiſcreet Men turn'd them more wild and unruly, than really could have been expected from Men of their Character or Functions: For about this Time, the King being informed they were Conſulting in *England*, to take away the Queen His Mother's Life; He ordered the Clergy to recommend Her to God's Protection, in the publick Devotions; but altho' they were only deſired to pray to God, *That it might pleaſe Him to illuminate Her with the Light of His Truth, and ſave Her from the apparent Danger wherein She was caſt*, yet ſome few of them refus'd; which was thought ſtrange, ſince this common Piece of Humanity might, without any Scruple, have been performed to a Heathen, far more to a Chriſtian Queen, and their Native Princeſs. But the Secretary's Behaviour in this Caſe, was much more Chriſtian and Dutiful; for upon this melancholy Occaſion, he made uſe of all the Rhetorick, and all the Reaſon he was Maſter of, to perſuade the *Engliſh* Secretary, Sir *Francis Walſingham*, of the Impiety of ſuch a Reſolution, and the unhappy Conſequences that might follow thereupon: Tho' all Interceſſions that were made for Her were to no effect. King *James*, who had omitted nothing, that became a pious Son and a prudent King, to ſave the Life of His Mother, upon Her Death breathed out nothing but Reſentments and Revenge; upon which, the crafty Queen of *England*, laboured by Her Miniſters and Agents, to appeaſe His Mind and divert Him from the War He intended. Theſe working with Art and Privacy upon the Secretary, who was then moſt in Credit, and the other Chief-Counſellors, kept him off from breaking out into open Hoſtility, which was every Day expected; and Secretary *Walſingham*, in a long Letter to Secretary *Maitland*, propos'd diverſe weighty and important Conſiderations, to divert the King from violent Reſolutions, which gradually gain'd upon His Reaſon and Judgment, and induced Him to conſult his Intereſt, and compound the Matter much more eaſily than was at firſt imagin'd. However, the very receiving *Walſingham*'s Letter, which, indeed, was writ with much Warmneſs in Defence of the Queen's Execution, was intended as a Handle, by the Secretary's Enemies, to bring him into Diſgrace with His Majeſty; for upon this, the diſcarded Chancellor, Captain *Stewart*, the Secretary's avowed Enemy, tranſmitted to the King, by the Laird of *Craigiehall* (*b*), as has been ſaid, a very bitter Invective againſt his Lordſhip, as if he had ſecretly by his Agents puſh'd on the Queen's Execution in *England*; and

(*a*) Archbiſhop Spotiſwood. (*b*) Archbiſhop Spotiſwood's Church Hiſtory, Page 359.

further, that he had a Deſign of ſending the King Himſelf to Queen *Elizabeth*. His Majeſty immediately communicated the Affair to the Council, and charged the Accuſer, *to enter his Perſon within the Palace of* Lithgow, *there to remain, till the Truth of the Accuſation was examin'd into, with Certification, if he diſobeyed the Charge, he ſhould be look'd on as a Sower of Sedition betwixt His Majeſty and the Nobility*; but not delivering himſelf up againſt the Time prefix'd, and the King being fully ſatisfied of the Secretary's Innocency, and that it was all a Calumny, and a Contrivance of his Enemy; the Chancellor's Place, of which till now Captain *Stewart* held the Name, was declared void, and that great Office was, in the ſame Inſtant, beſtow'd upon the Secretary.

SOON after this, when it was known, that the King of *Spain* deſigned to invade *England*, in the memorable Year 1588. (a Year which the Aſtronomers had predicted, would produce ſomething extraordinary,) and had put to Sea with his *Invincible Armado*; the King called a Meeting of the Eſtates at *Edinburgh*, to conſult with them, what was fit for Him to do in ſuch a Juncture; and having delivered His Mind to them, in a moſt wiſe and elaborate Speech; He was ſeconded by the Lord Chancellor, who, from his vaſt Reading and Learning, did illuſtrate what the King had ſaid, from various Hiſtories; ſhewing, *That it was no Ways expedient to ſide with the* Spaniards *in that Invaſion, or to ſuffer them to poſſeſs themſelves of England*; *yet ſince the Queen of* England *had not required any Aid from the King*; *his Opinion was, That the King for the Security of His own Dominions, ſhould cauſe a general Muſter to be made of the whole Realm, and ſome Noblemen named, unto whom, upon Occaſion, the Subjects might reſort*; *and that Watches ſhould be appointed at all the Sea-Ports*; *and Beacons ſhould be erected in the higheſt Places, for advertiſing the Country if any Fleet was ſeen at Sea*; *and that the King ſhould ſtay at* Edinburgh, *to attend the Succeſs of Things, and direct the Subjects accordingly*: This Speech of the Chancellor's was applauded by the whole Convention, the Earl of *Bothwell* excepted, who was a Man of a very reſtleſs Nature, and always fond of fiſhing in troubled Waters.

THE Lord Chancellor growing daily more and more in His Majeſty's Favour and Eſteem, ſeverals of the Nobility, repining at the great Power he had with his Maſter, reſolved to take the King out of his Hands, coſt what it would: The Chief of this Combination were the Earls of *Huntly*, *Eroll* and *Bothwell*; and the better to effect their Purpoſe, they propos'd to meet at the Quarry-holes, middle Way betwixt *Leith* and *Edinburgh*, and from thence to march in a Body to the Palace of *Holy-rood-houſe*, place themſelves about the King, and that way become Maſters of the Court; then if they met with the Chancellor, it was reſolv'd to aſſaſſinate him, if it was even in the King's own Preſence: But they were diſappointed in their Project; for the King ſuſpecting they had ſome Deſign againſt the Chancellor, went not to the Palace, but remain'd in *Edinburgh*, and kept his Lordſhip in the ſame Lodgings with Himſelf, for his greater Security. But notwithſtanding this Diſappointment, the Malice of his Enemies did not ſtop here, for they preſently thereafter entred into a ſecond Plot, to ſeize upon his Perſon, and to remove him from His Majeſty's Preſence and Councils; but by His Majeſty's gracious Care to protect His faithful Servant, the Deſign miſcarried. The Earl of *Huntly* who, of all others at that Time, was the Chancellor's moſt avowed Enemy, preſuming much upon the King's Affection, having lately married a Lady, nearly ally'd to His Majeſty, the Duke of *Lennox*'s Daughter, came unexpectedly into the King's Lodgings, at the Time when His Majeſty and the Lord Chancellor were at a Conferrence, upon the preſent Poſture of Affairs. How ſoon the Earl came into the King's Preſence, His Majeſty, in a Kind of Surprize, ask'd him, from whence

he

he came, and what was the Matter he was ſo late? And then fell upon other Diſcourſe. Preſently after this, the Chancellor obſerving a Number of armed Men enter the Room, he began to ſuſpect they had ſome Deſign againſt him, and thereupon ſtept aſide to a Window at ſome Diſtance from the Croud; whereupon three ſtout Gentlemen, who were much in the Chancellor's Confidence, Sir *John Cockburn* of *Ormiſton*, who was afterwards Juſtice-Clerk, Sir *John Carmichael*, of That-ilk, and Mr. *Douglaſs*, the Provoſt of *Linſladen*, drew toward the Window, reſolving to ſtand by him, in Caſe there ſhould be any Attempt upon his Perſon: But after the King had diſcourſed a while with the Earl, His Majeſty withdrew to His Cloſet, and thereupon the Chancellor, with his three Friends, retir'd to his Lodgings, which were juſt above the King's Appartments. Then his Lordſhip ſent a Meſſage to the King, intimating the Danger he apprehended both His Majeſty and he himſelf was in; of which the King, it ſeems, had ſome Apprehenſion; for the Earl had peremptory Orders ſent him, inſtantly to remove his Retinue out of Town, and to wait on His Majeſty next Morning himſelf. When he came to the King, His Majeſty examin'd him upon what Occaſion he had come to Town; but not being able to give ſuch ſatisfactory Anſwers as were expected, he was ſent Priſoner to the Caſtle. The Earls of *Crawfurd* and *Eroll*, who were alſo in the Combination, and were come the Length of the *North-ferry*, getting Notice and ſure Information, that the Plot was diſcover'd, and the Project broke, diſpers'd their Friends, and retir'd to their own Houſes. *Huntly* having begg'd His Majeſty's Pardon, and promiſing to enter into no new Cabal againſt the Chancellor, was, by His Majeſty's great Clemency, ſet at Liberty: But quickly thereafter. in his Way Northward, either by Accident or Concert, he met the Earl of *Crawfurd* at *Perth*, where they renewed their Deſign, not only againſt the Chancellor, but the Lord Theaſurer, Sir *Thomas Lyon*, the Maſter of *Glammis*, whom they called an evil Counſellor, and propos'd to ſequeſtrate him from His Majeſty's Councils alſo; and being informed the Treaſurer was to meet with ſome Friends at the Church of *Meigle*, they way-laid him, and perſu'd him to the Houſe of *Kirkhill*, which they ſet Fire to, and forced him to yield himſelf Priſoner to Sir *Patrick Gordon* of *Achingoun*, the Earl of *Huntly*'s Uncle. Soon after this, in in the Beginning of the 1589, they broke out into open Rebellion, and having rais'd a conſiderable Force, aſſembled at *Aberdeen*, where they emitted a Proclamation in the King's Name, aſſerting, *That he was kept Priſoner by the Chancellor, and forced againſt His Mind, to uſe His Nobility with that Rigour which he was naturally averſe to: Requiring all the Leiges to concur with, and aſſiſt them to ſet His Perſon at Liberty* (*a*). The Faction flatter'd themſelves, that the Earl of *Bothwel*, who was upon all Plots, would with ſuch Forces as he ſhould be able to raiſe in the South, gave the King ſuch Diverſion, as they needed apprehend no Fear from that Quarter, but they quickly found they were miſtaken, for the People every where, from a juſt Indignation, to ſee His Majeſty ſo abus'd, flock'd to His Aſſiſtance; ſo that the Rebel Earls ſubmitted to the King's Mercy, who, of his wonted Clemency, was pleas'd to forgive them, which put an End to the whole Enterprize.

THIS Deſign againſt the Lord Chancellor was ſcarce well over, when his Enemies formed another againſt him, inſinuating ſecretly, and in Whiſpers about the Court, as if the Chancellor alone did obſtruct the King's Marriage with the Princeſs of *Denmark*: Whatever Truth be in this, I cannot ſay; but Sir *James Melvil*, who ſeems to have had a very good Inſight into the Intrigues of the Court at that

(*a*) Archbiſhop Spotiſwood's Eccleſiaſtical Hiſtory.

Time, tells us, *That the Queen of* England's *Oppoſing the King's Marriage, the Council at Home was conveen'd and enticed to Vote againſt the Marriage*; but upon what Grounds he does not ſay, and there is no Reaſon to charge the Lord Chancellor ſoley with it, as Sir *James* would inſinuate, ſince it appears to have been the Deed of the whole Board; however it would appear, the King Himſelf thought the Council had been influenced to that Determination, by the Chancellor's Means, *Whereat* adds my former learned Author (*a*), *His Majeſty took ſuch a Diſpite, that He cauſed ſome of His familiar Servants to deal ſecretly with ſome of the Deacons of the Craftſmen of* Edinburgh, *to make a Mutiny*, I ſuppoſe he means to raiſe a Mob, *againſt the Chancellor, Threatning to ſlay him, in Caſe the Marriage were either hindred or longer delay'd.* But by the Craft and Cunning of Queen *Elizabeth*, who deſir'd the King might marry the Lady *Catherine*, Siſter to *Charles* X. of *France* (*b*), inſtead of the Princeſs of *Denmark*; many Stops and Delays were put to it, whereupon the King turned ſo extreamly Uneaſie, that an Author of Credit tells us, *He could neither ſleep nor reſt* (*c*): And the Chancellor's Enemies, taking this Opportunity to inflame the King againſt his Lordſhip, did what they could to perſwade His Majeſty, that he the Chancellor, was at the Bottom of all the Delays that hitherto had fallen out in that Affair, and that the Marriage he had ſo much ſet His Heart upon, would never be compleated, till he was rid of the Chancellor, who, they ſaid, was a Perſon very ungracious, not only to the Nobility, but to moſt People of all Ranks and Conditions. How ſoon the Lord Chancellor underſtood how he had been traduced and abuſed by the Malice of his Enemies, went ſtraight to the King, and after he had ſaid what he thought meet, to undeceive Him, in the End, told His Majeſty, *That he had been ſo far from Oppoſing His Marriage, that he had ever been moſt Solicitous to bring it to paſs; and to teſtify the Sincerity and Uprightneſs of his Intentions, in the Matter, he begged His Majeſty would allow him the Honour to go in Perſon, and bring Home the Queen himſelf.* This Diſcourſe of the Lord Chancellor's was ſo very well pleaſing to the King, *That by little and little* Sir *James Melvil* tells us, *he informed His Majeſty ſo well of the Voyage, and the great Charge he had beſtowed upon a fair and ſwift-ſailing Veſſel, that His Majeſty was mov'd to make the Voyage Himſelf, and to ſail in the ſame Ship with the Chancellor, with great Secrecy and ſhort Preparation, making no Man privy thereto, but ſuch as the Chancellor pleas'd, and ſuch as all formerly had been upon his Faction* (*d*). But whatever Truth may be in this Account of Sir *James Melvil's*, who was no Friend to the Chancellor, 'tis certain it was a very bold and dangerous Attempt, to carry the King beyond Sea; for it was upon the 22. of *October* they put to Sea, and the Weather was rough and tempeſtuous, and the laſt Day was ſo very ſtormy, that they were in the outmoſt Danger of periſhing: But it pleaſed God, that the King arrived the ſame Night at an Harbour in *Norway*, not far from *Upſlo*, and the next Sunday, the Marriage was ſolemnized. The ſame Author tells us, that whilſt the Chancellor was in *Denmark*, great Contentions aroſe betwixt the Earl *Marſhal* and his Lordſhip about the Precedency; for the Earl, by vertue of his Character, as Ambaſſador, claimed the next Place to His Majeſty, ſo long as He was there; and on the other Hand, the Chancellor claimed it as due to his Office, excepting, that the Earl's Embaſſy ceas'd, the King Himſelf being Preſent in Perſon; and he further urged, that the ſame Rank and Precedency belonged to him *ratione officii*, even in foreign Parts, being with the King, that he had at Home, where he preſided in all publick

(*a*) Melvil's Memoirs, page 179. (*b*) Mr. Echard's Hiſtory of England, page 369. (*c*) Melvil's Memoirs. (*d*) Ibidem.

publick Councils, where he was Present. But His Majesty, who would have the Contest removed without any Noise, by His own Determination, was pleas'd to declare the Place to belong to the Chancellor, in Right of his Office, so the Debate ceas'd.

How soon the King returned Home with the Queen, His Majesty would needs have His Royal Consort solemnly crown'd, as it had been constantly practis'd; and it being judged Necessary for the greater Splendor of the Ceremony, to make sundry Promotions of Honour, the Lord Chancellor, who had merited so well in perfecting the Marriage, and in bringing the Affair to so happy an Issue, was pitch'd on to be made a Peer: Accordingly, his Lordship was, by Letters Patent, bearing Date the 18th of *May* 1590, the Day preceeding the Coronation of the Queen, rais'd to the Degree and Dignity of a Baron of the Realm, by the Stile and Title of Lord *Maitland* of *Thirlstane*(*a*); and the same Day, Sir *James Johnston* of Thatilk, *James Douglas* of *Drumlanrig*, Sir *Robert Ker* of *Cesford*, Sir *Walter Scot* of *Bucklugh*, Sir *Alexander Stewart* of *Garlies*, Sir *Robert Gordon* of *Lochinvar*, Sir *James Melvil* of *Hallhill*, Sir *John Cockburn* of *Ormieston*, Sir *James Scot* of *Balweary*, Sir *John Campbel* of *Lauers*, Sir *Duncan Campbel* of *Glenurchy*, Sir *Thomas Lyon* of *Albar* Master of *Glammis*, all received the Honour of Knighthood (*b*), at the Solemnity.

The Lord Chancellor, who had always express'd the greatest Zeal for the Preservation of His Majesty's sacred Person, having received Information, that in the King's Absence, while he was in *Denmark*, the Earl of *Bothwel*, a Man of unsteady and disloyal Temper, had been practising with some impious Persons to take away the King's Life by Witch-craft, caus'd commit him to Prison, till the Information should be examin'd to the Bottom; but he, escaping in a short Time, occasioned some new Commotions in the Kingdom, which ended at last in his own Ruin, and the Ruin of his Family: However, the Belief of his Guilt was confirmed by the Confession of several Persons, at this Time reputed Magicians, who declared he had consulted them about the King's Death, and induced them to raise extraordinary Storms, to hinder His Majesty's Landing in His own Country. The Earl of *Bothwel*, who had a great Prejudice against the Chancellor, being out of the Way, and fled from Justice, and the Rage of all his most inveterate Enemies outwardly compos'd, afforded him now very promising Views of a prosperous Fortune, and a Life of Quiet and Ease for the Future: But, as there is no real Happiness, on this Side the Grave, so his Troubles, as he had ground to expect, did not now cease; for as the real and most heavy Storms many Times proceeds from the most unexpected Quarter, so it fell out in the Chancellor's Case; for the Earl of *Bothwel* having made his Escape out of Prison, as has been said, flew to Arms, and publish'd a Declaration, in which he set out, That he had no Design against the King, but against the Chancellor, whom he blamed as the Cause of all his Sufferings and Prosecution, and went very near conjuring His Majesty to dissert the Chancellor; setting forth the great Benefit should thereby acrue to his Service. But the few Troops he had hired, soon dissert-ed him, whereupon he fled to *England*, and thereupon was proclaimed a Traitor and forfaulted. About this Time the Chancellor coming to understand by his Friends, that one of the greatest Causes of the Murmurings against him, was, that he held two of the greatest Offices in the Kingdom in his own Person, for he was, 'tis true, both Chancellor and Secretary; and thereupon, of his own free Motion, he resign'd the Secretary's Place in His Majesty's Hands, who, immediately conferred the Office on Sir *Richard Cockburn* of *Clerkington*,

(*a*) Charta penes Comitem de Lauderdale, Mr. Rymer's Fœdera Angliæ, Tom. 16. Sir James Balfour's Annals, and Burrel's Diary. (*b*) Rymer's Fœdera. Angliæ.

the Chancellor's Nephew, by his Sister (*a*): And that he might ſtrengthen his Intereſt, by obliging the Church; he was at this Time, a very forward Inſtrument with the King to make the largeſt Conceſſions of Favour had ever hitherto been done to the Presbyterians; for he adviſ'd His Majeſty, to paſs the Act of Parliament in 1592, eſtabliſhing Presbyterian Government and Diſcipline (*b*). By the Statue 'tis enacted; "That 'it ſhall be lawful to the *Kirk* and *Mi-* 'niſters, every Year at leaſt, and oftner 'pro re nata, as Occaſion and Neceſſity 'ſhall require, to hold *General Aſſem-* 'blies, with this Proviſo, however, that 'the King or His Commiſſioners ſhall 'be preſent at each *General Aſſembly*, 'and appoint the Time and Place for 'the next Meeting. But in Caſe nei- 'ther His Majeſty nor His Commiſſi- 'oners appear in the Aſſembly, that 'then the Aſſembly may fix their Cir- 'cumſtances themſelves. Further, the 'Synodical and Provincial Aſſemblies 'held twice a Year, are confirm'd, and 'ſo are the *Presbyteries* and particular 'Seſſions, together with the whole Ju- 'riſdiction and Diſcipline of the Kirk, 'agreed on by His Majeſty, in Confer- 'rence with certain of the Miniſters." The Tenor of the Articles agreed on, are in the Act of Parliament it ſelf, and in Mr. *Calderwood*'s Church Hiſtory.

Quickly after this, there was a Matter agitated in the Court, That through the Malice of his Enemies, was deſigned to bring the Chancellor into Diſfavour with the Queen, if not with the King alſo. His Lordſhip had either acquired, or by His Majeſty's Bounty obtained the Barrony of *Muſſelburgh*, a Part of the Lordſhip of *Dumfermling*, long before the King had given His Royal Conſort the Queen, the whole of that rich Abbacy; and therefore Her Majeſty claimed it as Her Right, and expected the Chancellor ſhould without Delay gratify Her in the Matter; but I know not how it came about, that the Chancellor was not at firſt ſo frank in the Surrender, as the Queen expected he ſhould have been, and taking Her ſelf to be mightily diſobliged, Her Majeſty's Diſpleaſure grew ſo notorious againſt his Lordſhip, that She rais'd a new Faction againſt him in the Court. The Principals in the Combination, were the Duke of *Lennox*, the Earls of *Argyle*, *Angus*, *Erroll* and *Morton*, the Lord *Hume* and the Maſter of *Glammis*: And finding he was not able to ſtop ſuch a Torrent, he withdrew from the Court, and lived retiredly in the Country moſt of the Year 1593. But being a wiſe Man, and unwilling to contend with the Queen, he imployed Sir *Robert Ker* younger of *Ceſford*, afterward Earl of *Roxburgh*, who had married his Neice, and was the Queen's great Favourite, to negotiate the Matter; who brought about a thorough Reconciliation betwixt Her Majeſty and the Lord Chancellor, to the Queen's great Contentment, for he parted with the Lands, the Refuſal of which, had ſo much diſguſted Her Majeſty. And the more to ingratiate himſelf with the Queen, he concured with that Faction in the Court, who were willing to humour Her Majeſty in the Deſign of getting the young Prince, Prince *Henry*, out of the Cuſtody of the Earl of *Mar*, to whoſe Tuition, the King his Father, in the fulleſt Confidence of his Lordſhip's Fidelity, had committed him; but the Project taking Air before it was ripe for the Execution, and the King coming fully to know the whole Intrigue, was very angry with every Body who had been concerned in the Matter, and reprehended the Chancellor very ſeverly, for medling in an Affair that concerned Him ſo nearly, without imparting the Grounds of it to Himſelf. The King's Diſpleaſure went ſo cloſe to his Heart, that it threw him into a mortal Diſeaſe, of which he never recovered: For retiring to his own Houſe at *Lauder*, where he had built a fine Seat, and looking on himſelf as a dying Man, he ſent his Nephew, Sir *Richard Cockburn* the Secretary, to his King, ex-

(*a*) Charta in publicis Archivis, of the date April 22. 1591. (*b*) Acts of Parliament, and Mr. Calderwood's Church Hiſtory, page 268.

excuſing his Dealing in the Matter, in the removing the Prince from *Stirling*, which had given His Majeſty the Offence, humbly craving Pardon for it, and proteſting ſolemnly, that he had never any View, but to ſerve His Majeſty with all Duty and Fidelity in every Station He had ever imployed him in; withall, humbly recommending his Wife, Children and Friends, to His Majeſty's Protection, now that he was to leave the World. The King was much troubled with the Account of the Chancellor's Illneſs; and the better to ſolace him in the diſconſolate Condition he was in, and to do all He could towards his Recovery, wrote him this Letter under His own Royal Hand.

CHANCELLOR,

How ſorry I am of theſe News, I leave it to your ſelf to judge. I was never a Diſſembler of my Affections, and yet I truſt that God will not ſpoil me of you ſo untimely; therefore will pray ſo far, as you may with a valiant Heart reſiſt the Aſſaults of your Sickneſs; hoping in the Goodneſs of my Fortune, that God will reſerve you yet to me, as Hezekiah *was to his People; for the Neceſſity between Prince and Subjects is reciprocal: Nor can any Sickneſs, how heavy ſoever it be, take away the Life, if God cut not the Threads thereof. As to your Suits; if God calls you, I need no Remembrance; for ſince I made you a Pattern of my conſtant Favour during your Life, (as your ſelf hath oft-times ſaid) I am much more bound of Princely Duty, to make your Wife and Poſterity, that bears your Image, a vive Repreſentation of my thankful Memory; and to comfort you in this, remember what I have done to the Duke and the Lady* Huntly, *for their Father's Sake. This may aſſure you, in caſe of the worſt, (which God forbid) your Thoughts ſhall be prevented herein by my thankful Behaviour to them, And for your Couſin the Secretary, he ſhall be the better at my Hand in loſing you. But I green to hear better News; and if Time and Diſtance of Place could have permitted me in any way, I ſhould not have ſpar'd to have carried my own Meſſage my ſelf. God ſend you your Health, and keep you to me and to your native Country.*

BUT all the Cordials the King could adminiſter would not do; nothing could prevent the Stroke of Death, or diſcharge that Warfare to which all Mankind are liable; for after he had languiſhed about two Months, he made a moſt happy Exit out of the World, on the 3d. of *October* 1595, when he had juſt compleated the 50th. Year of his Age. He was inter'd in the Pariſh Church of *Haddingtoun*, in the Iſle belonging to his Family, where his only ſurviving Son *John* Earl of *Lauderdale*, erected a ſumptuous Tomb of Alabaſter, black and various colour'd Marble, to the Memory of his Father, under a ſtately Canopy, imbelliſh'd with Pillars of the *Corinthian* Order, and Coats of Arms very well grav'd. On the Pedeſtal there is a Statue for the Chancellor, at full Length in his Robes, all moſt curiouſly done. The Tomb is incloſed within a Grate, where the following Epitaph and Inſcription are to be ſeen.

THU *Paſſenger, who ſpyſt with gazeing Eyes*
This ſad Trophie of Death's triumphing Dart,
Conſider, when this outward Tomb thu ſees,
How rair a Man leaves here his earthly pairt,
His Wiſdome and his Uprightneſs of Heart,
His Piety, his Practice in our State,
His pregnant Wit, well vers'd in every pairt,
As equally not all were in Debate.
Then juſtly hath his Death brought forth of late
A heavy Grief to Prince and Subjects all;
Who Virtue love, and Vice dō truly hate,
Tho' vicious Men be joyful at his Fall:
But for himſelf, moſt happy doth he die,
tho' for his Prince it moſt unhappy be.

Joanni, Metellano, Baroni de Thyrlſtane, magno Scotiæ Cancellario; qui, a nobili Metellano ſtirpe oriundus, vetuſtiſſimæ familiæ decus celebriore titulo auxit: Cujus ſincera pietas, heroica mens, eruditio ſingularis, gnava fortitudo, poſteris æmulanda, invidenda antiquis, parem vix habuerunt: Liberalitas exprompta, latus lepiduſque ingenii vigor, devixerit ſibi publici omnes, privatim, ſingulos: Quem, poſt varia in Rep. præclare geſta munia, Jacobus, ejus nominis Sextus, Scotorum Rex, (omnium quos Europa unquam vidit ſapientiſſimus) ad ſummum Cancellariatus faſtigium, attlamantibus tribus Regni Ordinibus, in Comitiis publicis evexit. Sed munus illud annos vix novem ſuſtinuit, cum ea tamen prudentia, integritate ac laude, ut merito affirmari poſſit, Brevis dignitatis ingentem fuiſſe gloriam. Tandem, annos natus quinquaginta, in medio fere honorum & virtutum curriculo ereptus acerbum ſui deſiderium reliquit omnibus, præcipue Regi optimo; qui verſibus Vernaculis, ſupremo huic marmori inciſis, demortuo parentavit. Obiit Anno 1595. *5to Non.* Octobris, *in arce ſua de* Thyrlſtane, *a ſe recens exſtructa.*

THE Lord Chancellor's Character ſhall not be attempted here; it may be eaſily gathered from his Life. But if any have a mind to read what Archbiſhop *Spotiſwood*, in his Church Hiſtory, has recorded of it, his Words are theſe; *He was*, ſays he, *a Man of rare Parts, and of a deep Wit, Learned, full of Courage, and moſt faithful to his King and Maſter: No Man did ever carry himſelf in his place more wiſely, nor ſuſtain it more couragiouſly againſt his Enemies.* And that which crowned all his other Felicity in the World, was the devote and pious End he made; for my former learned and reverend Author tells us, *That the Chancellor, being viſited in his Sickneſs by Mr.* Robert Bruce, *and the Miniſters of* Edinburgh, *expreſs'd a great Contempt of the World, and the Vanities of it, lamenting That he had not done the good, which he would and might have done in his Place, being impeded by the Malice of his Adverſaries, who were ever ploting his Death and Ruin.*

I ſhall only add to the Lord Chancellor's Character, That, as he was a Man of great Learning, and extreamly well qualified for Buſineſs, ſo he had a fine Taſte of Poetry, which appears from his Epigrams, publiſh'd in the *Del. Poet. Scot.* (*a*) which are the only Things I know that are extant of this great Man.

HE left Iſſue by *Jean* his Wife, only Daughter and Heir of *James* Lord *Fleming*, Lord High-Chamberlain of *Scotland* in the Reign of Queen *Mary*, by the Lady *Barbara Hamilton* his Wife, Daughter of *James* Duke of *Chatlerault*, a Son *John*, the firſt Earl of *Lauderdale*; and a Daughter *Anne*, married to *Robert* Lord *Seaton*, Son and Heir apparent to *Robert* 1ſt. Earl of *Winton*, but had no Iſſue.

John Earl of *Montroſe.*

THIS noble Perſon was the Poſthumos Son of *Robert* Maſter of *Graham*, Son and Heir apparent of *William* Earl of *Montroſe*, who was ſlain at the Battle of *Pinky*, by *Margaret* his Wife, Daughter of *Malcolm* Lord *Fleming* (*b*). The Earl his Grandfather took great Care and Pleaſure in the Education of the young Lord *Graham*; and the better to initiate him into publick Affairs, he ſent him frequently to the Parliaments, where we find him a ſitting Member, as *Proxie* for his Grandfather (*c*). The old Earl being deſirous to raiſe more Heirs to his Family, thought fit to diſpoſe of the Maſter his Grandſon in Marriage; which he did in 1569, to a Lady of the moſt noble Family of the *Drummonds*, by whom his Lordſhip had all his Children

UPON the Death of his Grandfather the old Earl, in the 1571, he was appointed one of the Privy Council (*d*); and being a Nobleman of great Courage and Reſolution, he fell in entirely with the Party that moſt oppoſed

(*a*) Vol. 2d. Page 138. (*b*) Charta penes Comitem de Wigton, ad Annum 1546. (*c*) Records of Parliament. (*d*) Records of Council.

ed the Earl of Morton the Regent, and never left profecuting him, till they brought him to the Scaffold, the Earl, being Foreman or Chancellor of the Aſſize, who declared him guilty of *Art and Part of King* Henry's *Murder*: For this, and his other Services to the Court, His Majeſty heaped new Favours on him every Day, and at length preferred him to the Treaſurer's Place, upon the Fall of the Earl of *Gourie*. His Commiſſion runs in this Style.

" JAMES, be the Grace of God 'King of *Scottis*, to all and ſundrie 'oure Leigis and Subdittis quhome it 'efferis, quhais Knawlege yir oure 'Lettres ſal cum, greting. *Wit ze us* 'to have maid, conſtitute and ordanit, 'and be yir Lettres, conſtitutes and 'Ordainis our ryt traiſt Couſing and 'Counſellor, *John* Erle of *Montrois*, 'our grit Theſaurare, Reſſavear and 'Intromittor, with all and ſundrie oure 'Caſualities, belanging and pertaining 'to our Croun; and gives to him the 'Office yairof, for all the Days of his 'Lyftyme, with Pour to him to vſe and 'exerce the ſaid Office of Theſuarare, 'be himſelf, his Deputtis and Clerkis, 'quhilks we gif him pour to mak, and 'for quhome he ſal be halden, to an-'ſwer; and to intromet with, and up-'tak all and ſundrie oure Caſualities 'and Dewiteis, concerning the ſamen, 'and to gif Compt and Reknyng yair-'of zeirlie, in our Cheker, as Vſe is, 'ſicklyke, alsfrelie and in the ſame 'Manner, in all Reſpectis, as ony o-'ther oure Theſauraris or oure Predi-'ceſſoris uſit, or exercit the ſaid Office 'in Tymes bipaſt; for vſing and ex-'ercing of the quilk Office, and guid 'trew and thankfull Seruice to be 'done be oure ſaid right traiſt Couſing 'and Counſallor yairin; We with 'Auiſe and Conſent of the Lordis of 'our Privie Counſal, have grantit and 'aſſignit and be yer oure Letteris, grantis 'and aſſignis to him, during his Lyf-'time, as ſaid is, all Fees, Çauſuali-'ties and Dewties yairof, Aucht and 'Wont ſicklike, as ony vyeris, oure, or 'our Prediceſſouris Theſauaris had, for 'vſing and exercing of the ſamen of 'before. Geven under oure Privie-'Seill, at *Halierudhouſe*, the threttene 'Day of *Maii*, the Zeir of God, Ane 'thouſand five hunder and foure ſcore 'foure Zeiris, and of our Rignne the 'ſevintene Zeir (*a*).

BUT his Lordſhip did not long continue in the Office, for the next enſuing Year 1585, upon a Change of the Miniſtry, by the incoming of the exiled Lords at the Road of *Stirling*, he was removed from the Treaſurer's Place, which was confer'd on the Maſter of *Glammis* Sir *Thomas Lyon* of *Albar*. However, tho' the Court were angry with the Earl, yet the King was not; but ſtill retained a more than ordinary Favour toward his Lordſhip, and called him again to the Council, gave him other Offices of Honour and Profit, ſuch as he cared for; and at laſt made him Lord Chancellor, after the Death of the Lord *Thirlſtane*. His Commiſſion being the fulleſt of any I have met with, and under both the Seals, I ſhall preſent the Reader with it, and here follows,

Jacobus, Dei Gratia Rex Scotorum, omnibus probis hominibus ſuis ad quas preſentes Literæ pervenerunt, ſalutem. Sciatis, quia nos, cum aviſamento & conſenſu dominorum noſtri ſecreti conſilii; fecimus & conſtituimus, ac tenore preſentium facimus & conſtituimus, predilectum noſtrum conſanguineum et conſiliarium, Joannen, Comitem de Montrois, dominum Grahame &c. *Cancellarium noſtri regni; eidemque officium ac privilegium eiſdem pro omnibus ſuæ vitæ diebus dedimus, tenoreque preſentium damus; quodquidem officium, quondam Joannes Dominus Thirlſtane* &c. *per prius habuit & poſſidebat, pro cujusquidem officii exercitatione & uſu, nos cum aviſamento antedict. dedimus, conceſſimus & aſſignavimus, tenoreque preſentium damus, concedimus & aſſignamus dicto noſtro conſanguineo, durantibus omnibus ſuæ vitæ diebus, omnia feoda, privilegia, honores, dignitates, immunitates & devoria, prefato officio incumben. cum poteſtate eodem dicto officio uttendi & exercendi, in omnibus & per omnia ſimiliter & adeo libere, ſicut aliqui alii Cancellarii noſtri regni, eodem per*

(*a*) Charta penes Ducem de Montroſe.

prius utebantur & gaudebant, ſine aliqua revocatione, contradictione, impedimento aut obſtaculo quoquunque; Quare univerſis et ſingulis, quorum intereſt, vel intereſſe poterit, ſtricte precipimus, & mandamus, quatenus dicto noſtro conſanguineo Joanni, Comite de Montrois, in omnibus & ſingulis dictum officium concernen. prompte pareant, reſpondeant & intendant, ſub omni pœna quæ competere poterint in hac parte; mandamus, etiam noſtri ſecreti ſigilli cuſtode, ſuiſque deputatis, quatenus eidem noſtrum ſecretum ſigillum preſentibus, poſt noſtrum magnum ſigillum, appendant: Quia dictus noſter conſanguineus, nunc eſt Cancellarius, et ea ratione, cuſtos dicti noſtri magni ſigilli. In cujus rei teſtimonium, preſentibus, magnum ſigillum noſtrum, una cum dicto noſtro ſecreto ſigillo, ratione prædicta, apponi precepimus. Apud Halyrudehouſe, decimo octavo die menſis Januarii, anno Domini mileſſimo quingenteſſimo nonageſſimo octavo, & regni noſtri triceſſimo ſecundo (a).

UPON His Majeſty's Acceſſion to the *Engliſh* Crown, when the Deſign of an Union of the two Kingdoms was firſt ſet on Foot, the Lord Chancellor was conſtituted Lord High-Commiſſioner, to repreſent His Majeſty's Royal Perſon in the Parliament, which met at *Perth* for that Effect, on the eleventh of *July* 1604 (*b*). His Grace being appointed the firſt Lord Commiſſioner on the Part of *Scotland*, for treating of a nearer Union of both Nations, and *Concerning*, as the Act bears, *ſick Matters, Cauſes and Things whatſomever, tending to His Majeſty's Honour and Contentment, and to the Weall and Tranquillity of baith the Kingdoms, during his Majeſty's Life, and during His Royal Poſterity, in bleſſed Tranquility to the Warld's End; as upon mature Deliberation, the greateſt Part of the Commiſſioners aſſembled, with the Commiſſioners authoriz'd by the Parliament of* England, *ſhall according to their Wiſdoms think Expedient and Neceſſar, not derogating ony wyſe to any fundamental Laws, antient Privileges, Offices, Rights, Dignities and Liberties of this Kingdom.*

DURING the Sitting of this Seſſion of Parliament, the Lord Chancellor well knowing, that when the Commiſſioners for the Treaty ſhould meet, which His Majeſty had appointed to be at *Weſtminſter* (*c*), very many nice and intricate Points of Law, would neceſſarily occur, and come to be argu'd upon in an Affair of that Nature, that no Body was ſo fit to debate upon and reſolve, as a Perſon bred to the Law: And therefore His Majeſty having pitched upon the Lord Preſident of the Seſſion, the Lord *Fyvie*, a Lawyer of Fame and Reputation, to be Lord Chancellor; the Lord Commiſſioner, tho' he had Right to the Chancellor's Place during his Life, cheerfully ſubmitted to His Majeſty's Pleaſure, and acquieſed in the Choice, which the King received as a great Obligation from the Earl: But that he might ſuffer no Diminution of his Honour, Rank, or Precedency, His Majeſty was graciouſly pleas'd to make him *Viceroy* of Scotland, *Supremum regni Scotiæ procuratorem pro omnibus vitæ ſuæ diebus*, as the Commiſſion bears, dated *idis Decembris* 1604 (*d*). The Commiſſion being ſingular, and of ſuch a Nature, that, for what I know, the like was never given to any Subject, either before or ſince that Time, I have put it whole and intire in the Appendix. His Lordſhip, did in Vertue of his high Character, preſide as His Majeſty's Commiſſioner to the Parliament, which met at *Perth* the 9th of *July* 1606; wherein *Epiſcopal Government was reſtor'd to the Church, and the Eſtate of Biſhops reintegrate to the antient and accuſtomed Honour, Dignities, Prerogatives, Privileges, Livings, Lands, Teinds, Rents, Thredds; as the ſame was in the reformed Kirk, moſt ample and free, at any Time before the Act of Annexation in* 1587 (*e*).

His

(*a*) Charta penes Ducem de Montroſe. (*b*) Acts of Parliament. (*c*) Archbiſhop Spotiſwood's Eccleſiaſtical Hiſtory of Scotland. (*d*) Charta penes Ducem de Montroſe. (*e*) Acts of Parliament.

His Lordſhip being thus fixed in the Favour of his Prince, and in the moſt honourable Poſt a Subject was capable of, he was not long thereafter viſited with a Turn of Providence, which ſhews, that no earthly Felicity is firm and laſting; for he fell into a lingering Indiſpoſition, which at length put a Period to his Days, on the 9th of *November* 1608 (*a*), aged 61 Years.

He left Iſſue by *Lillias* his Wife, Daughter of *David* Lord *Drummond*, *John* his Son and Succeſſor in the Honour, Sir *Robert Grahame* of *Innermeath*, Sir *William Grahame* of *Bracko*, and a Daughter *Lillias*, married to *John* Earl of *Wigton*.

Alexander Earl of *Dumfermling*.

Was the third Son of the Loyal and Magnanimous *George* Lord *Seaton*, by *Iſabel* his Wife, Daughter of Sir *William Hamilton* of *Sanquhar* Knight, one of the Senators of the College of Juſtice in the Reign of Queen *Mary*.

Mr. *Seaton*, being a younger Brother, was from his Youth educated with a View of ſerving the Church; and for that End, after he had gone thro' a Courſe of Learning in his own Country, he travelled to foreign Parts, at an Age fit to make Obſervations and Reflections, and ſettled at *Rome*, for the perfecting his Studies (*b*). The Eſtabliſhment of the reformed Religion in *Scotland*, diverted him from a cloſer Purſuit of that Kind of Learning, that more peculiarly belonged to the Character of a Church-man; and thereupon he betook himſelf to the Study of the Laws, which he purſu'd with uncommon Diligence and Application for ſeveral Years thereafter.

Upon his Return, about the Time the Peace and Quiet of the Country was, or ſeem'd to be in a good Meaſure ſecured, by the Reconciling the Nobility, who had been exil'd in the King's Minority, His Majeſty took him into His immediate Favour; and having always a Value and Eſteem of Men of Learning, and a particular Regard to the Memory and Merit of the Lord *Seaton* his Father, His Majeſty was pleaſed to prefer Mr. *Seaton*, quickly after he entered an Advocate, to be one of the extraordinary Lords of the Seſſion: For tho' he was very well vers'd in the Civil and Canon-Law, yet having ſtudied much abroad, and been a good Time out of the Country, he could not be thought to underſtand the Municipal Laws of *Scotland*, which the Place he was now in, gave him an excellent Opportunity to learn and obſerve: And having quickly maſter'd the Difficulties of the Forms and Practice before the Lords, he was two Years thereafter, in 1587, conſtituted one of the ordinary Senators of the College of Juſtice, by the Title of Prior of *Pluſcarty*, a Cell of the Abbacy of *Dumfermling*, which had been beſtowed by Queen *Mary* upon the Lord *Seaton* (*c*), his Lordſhip's Father, as the Reward of his great Loyalty and Merit.

The Lord *Pluſcarty*, daily increaſing in His Majeſty's Favour, he was ſoon after this rais'd to be a Peer of *Scotland*, by the Title of Lord *Fyvie*, by Letters Patent, bearing Date 6. of *Auguſt* 1591, and to the Heirs Male of his Body; in Failure of which, to the Heirs Male of Sir *John Seaton* of *Barns* his Brother (*d*) *&c.* It was not long after this, his Lordſhip, for his Learning, great Abilities, and ſingular Reputation of Integrity, was advanced to be Lord Preſident of the Seſſion, on the Death of the Lord *Provan*, Mr. *Bailie*, the 12th. of *May* 1593 (*e*). And that His Majeſty might further teſtify the great Eſteem he had of his Lordſhip's Fidelity, and that he was worthy of any Truſt he ſhould repoſe in him, was graciouſly pleas'd to conſtitute him firſt Commiſſioner of the Treaſury, when the Treaſury was turned into Commiſſion, *Anno* 1595. And the more to ſhew

(*a*) Charta penes Ducem de Montroſe. (*b*) Sir John Scot's Memoirs of the Stateſmen of Scotland, from 1550, till 1650. M. S. penes me. (*c*) Regiſters of the Privy-Seal. ad Annum 1565. (*d*) Ibidem. (*e*) Memoirs of the College of Juſtice. M. S.

the Truſt and Confidence the King repoſed in the Lord Preſident, He committed the Tuition of his Son Prince *Charles* to him, from the very Time of his Birth, till the King his Father's Acceſſion to the Crown of *England*, *anno* 1603.

In the 1604, the Lord Preſident was named one of the Commiſſioners for *Scotland*, to treat with the *Engliſh*, touching a nearer and more compleat Union of the two Nations, now that they were unite in His Majeſty's Royal Perſon (*a*): And that his Lordſhip might preſide when they were to meet at *Weſtminſter*, he was advanced to be Lord High Chancellor of *Scotland*, on the Reſignation of the Earl of *Montroſe*, in a View that he was fully able, by his Wiſdom and Learning, to ſupport the Honour and Dignity of *Scotland*, in Relation to the Treaty now before them, eſpecially in Matters of Law, which no Man better underſtood, or could more ſolidly apply. And tho' the great Work of Incorporating the two Kingdoms was not then effected, yet the Lord Chancellor's never to be forgotten Services, thro' the whole of the Treaty, were ſo acceptable to His Majeſty, that as a further Teſtimony of His Royal Favour, He was graciouſly pleas'd to Dignify his Lordſhip with the Title of Earl of *Dumfermling*, by Letters Patent, the 4th of *March* 1605. And that His Majeſty might not want the Benefit of the Chancellor's grave Counſel, when he was but occaſionally at Court, He was pleas'd to make him a Privy-Counſellor of *England*, *anno* 1609 (*b*); and the ſame Year his Lordſhip was appointed joint Commiſſioner with the Earl of *Dunbar* the Treaſurer, to repreſent His Majeſty's Perſon, in a Convention of Eſtates, which was then call'd (*c*), and wherein ſeveral very good Acts were made in Favours of Religion and the Church.

His Majeſty, in 1612, was pleas'd again to make the Chancellor Lord High-Commiſſioner, to repreſent His Royal Perſon in that Seſſion of Parliament, which began at *Edinburgh* the 23d of *October* that Year; wherein the Concluſions agreed to in the late General Aſſembly at *Glaſgow* were confirm'd, with ſome Explanations, and all Acts and Conſtitutions, eſpecially the Act made in the Year 1592, in Favour of *Presbytery*, were repeal'd (*d*).

The Lord Chancellor, from henceforth, liv'd in great Honour and Proſperity, in the higheſt Favour both with Prince and People, and diſcharged his great Office with the general Applauſe of the whole Kingdom above ten Years thereafter, even till his Death, which happened at his Seat of *Pinky*, near *Edinburgh*, on the 16th of *June* 1622; but what Year of his Age I cannot directly tell: I preſume he muſt be upwards of Threeſcore; for he was a Lord of the Seſſion ſeven and thirty Years before, and upon the Calculation, that he was then five and twenty, he was ſixty two or three at his Death. On the 19th of *July* thereafter, he was convey'd to the the Pariſh Church of *Dalgaty* in *Fife*, and there interr'd with all funeral Solemnity (*e*). Archbiſhop *Spotiſwood*, who never ſhews himſelf very Partial to the Earl of *Dumfermling* the Chancellor, I know not on what Account, gives him however this great Character, *That he exercis'd his Place with great Moderation, and to the Contentment of all honeſt Men*; *He was*, ſays the Archbiſhop, *ever inclining to the* Roman *Faith, as being educated at* Rome *in his younger Years; but was very obſervant of good Order, and one that hated Lying and Diſſimulation, and above all Things, ſtudied to maintain Peace and Quietneſs.* I may here add, from very good Authority, That Chancellor *Seaton* was eſteemed one of the moſt eminent Lawyers of his Time, and one of the wiſeſt Men the Nation then had, a great *Virtuoſo*, and a fine Poet: There are ſome Fragments of his Performances ſtill extant, ſcattered in diverſe Books, which ſhews

(*a*) Acts of Parliament. (*b*) Sir James Balfour's Annals. M. S. (*c*) Archbiſhop Spotiſwood's Hiſtory of the Church of Scotland (*d*) Acts of Parliament, and Biſhop Spotiſwood's Hiſtory. (*e*) Ceremony of the Funeral of the Earl of Dumfermling, in Manuſcript in my Hands.

ſhews him to have been a great Man that Way. To mention ſome of them, we have an Epigram of the Chancellor's Compoſure, prefix'd to Biſhop *Leſly*'s Hiſtory of *Scotland*, and another addreſs'd to the learned Sir *John Skene*, upon his publiſhing of the *Regiam Majeſtatem*, which do very much diſcover what a fine Taſte and Turn his Lordſhip had in Poetry, which ſeems not to be inferior to the beſt Poets of the Time. There remains nothing more to be ſaid concerning this excellent Lord Chancellor, but to give an Account of the Iſſue he had of all his three Marriages, which I ſhall here ſet down in their due Order.

He married Firſt *Lilias*, Daughter of *Patrick* Lord *Drummond*, by whom he had four Daughters.

Anne, married to *Thomas* the ſecond Earl of *Kelly*, and had Iſſue.

Isabel, to *John* the firſt Earl of *Lauderdale*, and had Iſſue.

Margaret, to *Kenneth* the firſt Earl of *Seaforth*, and had Iſſue.

Sophia, to *David* the firſt Lord *Balcarras*, and had Iſſue.

His ſecond Wife was *Griſſel*, Daughter of *James* Lord *Leſly*, Son and Heir apparent of *Andrew* Earl of *Rothes*, by whom he had only one Daughter, *Jean*, married to *John* the firſt Earl of *Tweedale*, and had Iſſue.

His third and laſt Wife was *Margaret*, Daughter of *John* Lord *Teſter*, and Siſter to *John* Earl of *Tweedale*, by whom he had *Charles*, his only Son and Heir, and a Daughter Lady *Griſſel*, who dy'd unmarried.

George Earl of *Kinnoul*.

The Family of which the Lord Chancellor was deſcended was a Branch of the illuſtrious Houſe of the Earls of *Errol*: His Grandfather *Peter Hay* of *Meggins*, Baillie of *Errol*, (*a*) was a Perſon of Subſtance and Eſteem in the Reign of King *James* V. Who by *Margaret* his Wife, Daughter of —— *Crichton* of *Ruthven*, had three Sons and two Daughters. *Viz.*

Patrick his Son and Heir.

Sir *James Hay* of *Fingask* the ſecond Son was one of the Senators of the College of Juſtice, in the Reign of King *James* VI. and Comptroller of *Scotland* from 1608, till his Death in 1610. By *Margaret* his Wife, Daughter of *John Murray* of *Polmais*, he had a Son, Sir *James Hay*, who was Comptroller of *Scotland* after his Father, and was rais'd to be a Peer, by the Title of Lord *Beulie* (*b*), and afterward created Viſcount *Doncaſter*, and Earle of *Carliſle* in *England*. He was Gentleman of the Bed-chamber to King *James*, Maſter of the Wardrobe (*c*), Groom of the Stole, and Knight of the Garter (*d*). He was ſent Ambaſſador Extraordinary to the Court of *France*. *Firſt*, to negotiate, and then to compleat the Marriage-Treaty betwixt King *Charles* I. and His Royal Conſort *Henrietta Maria*, Daughter of *Henry* IV. *He left behind him*, ſays the Earl of *Clarendon* (*e*), *the Reputation of a very fine Gentleman, and a moſt accompliſhed Courtier*; *and after*, adds my noble Author, *having ſpent, in a very jovial Life, above Four hundred thouſand Pounds, which, upon a ſtrict Computation, he receiv'd from the Crown, he left not a Houſe or Acre of Land to be remembred by*. The Comptroller left, beſide the Earl of *Carliſle*, a Daughter *Agnes*, married firſt to Sir *George Preſton* of *Craigmillar*, and again to *James* Earl of *Glencairn* (*f*), and had Iſſue.

Mr. *Edmund Hay* the third Son was an Advocate, and a Lawyer of Character and Reputation. Upon the Reformation of Religion, he retired beyond Sea, and entred into the Society of the *Jeſuites*. At length he ſettled at *Doway*, where he became Profeſſor of the Civil and Canon-Law, and Rector of that College. He was afterward employed in what they called the Miſſion for *Scotland*; an Artifice by which the Church of *Rome* uſed to gain Proſilytes; in which it was to be regrated, he was too too ſucceſsful; for it was by the Influence of this Father *Hay*, that

(*a* Charta penes Dominum Gray ad annum 1535, and Sir John Scot's Staggering State of the Scots Stateſmen. (*b*) Charta in publicis Archivis ad annum 1610. (*c*) Rymer's Fœdera Angliæ. (*d*) Clarendon's Hiſtory of the Rebellion, and Dugdale's Baronage of England. (*e*) Ibidem, where the Earl of Carliſle's Character may be read at large. (*f*) Charta in publicis Archivis.

Francis Earl of *Errol* revolted from the Proteſtant Religion, and embraced Popery, in which he perſevered till his Death, tho' great Endeavours were uſed to perſwade him to return to the Communion of the Church of *Scotland.*

KATHARINE his eldeſt Daughter, was marry'd firſt to *Robert Moncur* of *Balumby*, and again to *George Drummond* of *Blair*, and had Iſſue. And *Janet* to *Patrick Murray* of *Auchtertyre.*

Patrick Hay of *Meggins*, the Lord Chancellor's Father, was a Gentleman very devoted to the Crown, and had a large Share of the Favour and Eſteem of King *James* VI. By *Margaret* his Wife, Daughter of *Patrick Ogilvie* of *Inchmartine* (*a*), paternal Anceſtor to the preſent Earl of *Finlater*, he had *Patrick* his Succeſſor, and *George* Earl of *Kinnoul* the Lord Chancellor his ſecond Son.

HE was born in the Year 1572 (*b*), and having made an early Progreſs in Learning, and given extraordinary Proofs of his Capacity and Improvement at Home, at about Eighteen Years of Age his Father ſent him to the College of *Doway*, where he ſtudied for ſeveral Years under the Direction of his Uncle, Father *Hay* afo eſaid (*c*): His Inclinations leading him chiefly to the Study of the Law, he betook himſelf to that Profeſſion, in which he afterward made a very conſiderable Figure, when, by his Place, he preſided in all publick Councils; and ſhew'd, that in his younger Years he had ſpent his Time with his Books very profitably.

MR. *Hay* returned into *Scotland*, by the Time he was Twenty four Years old, or thereabouts, and betook himſelf to the Court of King *James*, who was a Prince of great Learning, and delighted much in the Converſation of learned Men, where he found very little Difficulty in rendering himſelf gracious to His Majeſty, whoſe Nature and Diſpoſition was very flowing to Perſons ſo qualified; inſomuch that, in a ſhort Time after his Appearance at Court, he was made Gentleman of the Bed-Chamber; and the better to ſupport his Character, he had a Grant of the Priory of the Charter-Houſe of *Perth*, by His Majeſty's Royal Donation (*d*), on Mr. *Balfour*'s reſigning at the ſame Time whatſoever Right or Title he had to the *Commendam* of that Benefice.

THE Prior, among other Lords and Gentlemen of the King's Retinue, had the Honour to wait on his Royal Maſter, from his Palace of *Falkland* to the Town of *Perth*, on the ever memorable Fifth of *Auguſt* 1600 (*e*), and was happily inſtrumental in reſcuing His Majeſty from the horrible Conſpiracy concerted betwixt the Earl of *Gowrie* and Mr *Ruthven* his Brother, to draw the King to the Earl's Houſe to murder him there: And though Mr. *Hay* was not among the firſt who forced the Door, and entred the Room where His Majeſty was in the greateſt Danger, yet he haſted up to his Aſſiſtance; and, underſtanding what had happened, join'd with the King in giving Thanks *to Almighty God upon their Knees for his wonderful Deliverance.*

In the 1616, Sir *George Hay* being now a Knight, and poſſeſſed of a fair Fortune, and a Lawyer of known Parts and Induſtry, was by Means of the Viſcount of *Doncaſter* his Kinſman, the King's great Favourite, preferred to be Clerk-Regiſter on the Death of Sir *Alexander Hay* of *Whitburgh*, *anno* 1616 (*f*), which he diſcharged well, and continued in the Office till the 1622, that the Chancellor's Place falling void by the Death of the Earl of *Dumfermling*, he was, by the Recommendation of his Friend aforeſaid, now Earl of *Carliſle*, promoted to that great Office, and had the Great-Seal delivered to him in a Month, or thereabouts, after the Death of his Predeceſſor.

He

(*a*) Charta in publicis Archivis, ad annum 1564. (*b*) His own Depoſition in the Earl of Gowry's Conſpiracy. (*c*) Sir John Scot's Staggering State of the Scots Stateſmen, from the 1550 till 1650, M. S. penes me. (*d*) His Gift bears Date February 1ſt, 1598, in the Records of the Privy-Seal, James Balfour of Coſtertoun reſigning the Commendam (*e*) Trial of the Earl of Gowrie. (*f*) Spotiſwood's Eccleſiaſtical Hiſtory, and ſupported by the publick Records.

He loſt not his Place by the Death of King *James*; for King *Charles* His Son, looking on the Earl as a wiſe Man, as no doubt he was, and well acquainted with the Conſtitution, and the whole Frame of the Government as eſtabliſhed, and worthy of the Truſt his Father had repoſed in him, was pleaſed to continue him in the Chancellor's Place: And further to teſtifie the great Value and Eſteem he had of Sir *George Hay*, and the Merit of his Services, was graciouſly pleaſed to raiſe him to be a Peer of the Realm, by the Stile and Title of Viſcount *Dupline*, and Lord *Hay* of *Kinfawns*, by Letters Patent the 4th of *May* 1627 (*a*): And ſtill continuing in His Majeſty's Grace and Favour, without any the leaſt Diminution, he was further advanced to be Earl of *Kinnoul* on the 25th Day of *May* 1633, being the firſt of the Earls who were made for the greater Splendor of His Majeſty's Coronation, which was performed with great Ceremony ſome Days thereafter (*b*). The Earl of *Kinnoul*, while he was Chancellor, preſerv'd the Reputation of his Office, and maintain'd the Dignity of his Poſt to the full: For though His Majeſty, ſoon after His coming to the Crown, had ordered by His Letter to the Council (*c*), that the Archbiſhop of St. *Andrews*, in Right and Quality of his Office, ſhould precede the Lord Chancellor, as well as all other Subjects; yet his Lordſhip could never be induced to ſubmit to His Majeſty's Pleaſure in that particular Point. There is a ſhort Story which may not be unfitly inſerted in this Place, it being mention'd by a very good Hand, as a Kind of Illuſtration of the Humour and Nature of the Lord Chancellor; and may let us ſee how ſtifly he maintain'd, as hath been ſaid, the Rank and Precedency of his Character, when one would think he was under the greateſt Temptation to have yielded in a Matter that was of far more Conſequence than the Thing demanded. In ſhort it was this: On the Morning of the Coronation Day, the King ſent the Lord *Lyon*, Sir *James Balfour*, with a Meſſage to the Lord Chancellor, ſignifying it was His Majeſty's Pleaſure, That the Archbiſhop of *St. Andrews* ſhould precede his Lordſhip only at the Ceremony of that Day (*d*): To which Sir *James* tells us the Chancellor gave this brisk and reſolute Anſwer, *That ſince His Majeſty had been pleaſed to continue him in that Office, which, by his Means, his worthy Father of happy Memory had conferred on him, he was ready, in all Humility, to lay it at His Majeſty's Feet: But ſince it was His Royal Will he ſhould enjoy it with the known Privileges pertaining to the Office, never a St - - - d Prieſt in* Scotland *ſhould ſet a Foot before him, as long as his Blood was hot.* Sir *James* having related the Chancellor's Anſwer, the good natur'd King dropped the Matter, and ſaid no more, but, *Well then*, Lyon, *let us go to Buſineſs, I will meddle no further with that old canker'd Gouti ſh Man, at whoſe Hands there is nothing to be gained but ſoure Words.*

A Perſon of Honour and great Probity (*e*), who had very good Acceſs to know the Conduct of the Lord Chancellor the Earl of *Kinnoul*, during his Adminiſtration, has told me, *That he had the Reputation of a very wiſe Man, behaved himſelf very well in his Function, and appeared equal to it, and carried himſelf ſo moderately both in Parliament and Council, that he did his Maſter much Service, and preſerved himſelf in the good Opinion of the Nation, a Favour very few other Men in any high Truſt at that Time were indulged with.* He died of an Apoplexy in the City of *London*, on the 16th of *December* 1634 (*f*), aged Sixty three Years or thereby. His Body was conveyed by Sea into *Scotland*;

(*a*) Patent creating Sir George Hay of Kinfawns, the Lord Chancellor, Viſcount Dupline, in the Records of the Great Seal. (*b*) Sir James Balfour's Annals, and the Records of the Great Seal. (*c*) Ibidem, at the 1626. (*d*) Ibidem, ad annum 1633, M. S. In the Lawyers Library at Edinburgh (*e*) My learned, worthy and excellent Friend, that great Antiquary Sir Robert Sibbald M. D. and Geographer Royal for Scotland, whoſe Father was keeper of the Great Seal under Chancellor Hay. (*f*) Sir James Balfour's Annals.

and, on the 19th of *Auguſt* 1635, was interr'd in the Pariſh Church of *Kinnoul* in *Perth*-Shire, with all Funeral Solemnity. Afterward a ſumptuous Monument of various colour'd Marble was erected over his Grave, with a Statue of the Lord Chancellor as big as the Life, habited in his Robes as an Earl, and embelliſhed with Eſcutcheons and Coats of Arms; but, which is ſtrange, no Inſcription that I could perceive. The learned Dr. *Johnſton* compoſed an Epitaph for the Earl of *Kinnoul*, the Lord Chancellor, part of which here follows.

Gone is the wiſe Lycurgus of our Time,
The great and grave Dictator of our Clime,
To whoſe Deſert the ſacred Siſters ow
As much, as e'er of old they did beſtow
Of their Pirean Treaſure, to give Fame
To painful Curius, *or grave* Cato's *Name.*
Had thou, brave Judge, liv'd in ſuch golden Days,
Thy Head had long e'er now been crown'd with Bays:
But Wiſdom now is richly priz'd by none,
Nor Virtue Guardian finds, till ſhe be gone.
Six hundred Years ago, how happy I,
That Day when thy brave Anceſtor did dye
His Face with Danick *Blood, he did bequeath*
Life to his Country at the Doors of Death;
Yet this brave Act was clos'd with one fair Day:
But thou didſt ſtill for many Years diſplay
The Enſigns of thy Vertue, and fierce Jars,
Inteſtine Broils worſe than the worſt of Wars
Did quell Combuſtions, ſafe did keep from Harm,
Chaſt Piety and raging Wrath diſarm, &c.

By *Margaret* his Wife, Daughter of Sir *James Haliburton* of *Pitcur*, of the County of *Forfar*, Widow of *Patrick Ogilvy* younger of *Inchmartine*, He had Sir *Peter Hay* his eldeſt Son, who died unmarried, *George* his Succeſſor in the Honour, and one Daughter *Margaret*, who was married to *Alexander* the ſecond Lord *Spainzie*.

John Archbiſhop of *St. Andrews*.

Spotiſwood of *That-ilk* was a Family of ancient Extraction in the County of *Berwick*, where they had long remained; of which I may ſay, without the leaſt Deſign or Purpoſe of detracting from the Credit of it, what the great Mr. *Buchanan* ſays of the Houſe of *Buchanan*, of which he was deſcended, that it was *magis vetuſta quam oppulenta*, more ancient than oppulent.

In the Chartulary of the Abbacy of *Kelſo*, we find frequent Mention of the Lands and Barony of *Spotiſwood*, and of the Proprietors of the ſame Sirname in the Reign of *Alexander* II. and III (*a*). *Robert de Spotiſwood* is a Subſcriber to that Bond of Submiſſion to King *Edward* I. of *England*, commonly called *Ragman-Roll*, *anno* 1295 (*b*). *John Spotiſwood*, ſtiled *Dominus ejuſdem*, is a Witneſs to that ſolemn Contract, whereby *John Lindſay*, Lord of *Ormiſtoun*, conveys his Eſtate to *Joanna* his Daughter, in Contemplation of her Marriage with *John Cockburn*, Son of *Alexander Cockburn*, *ex prima ſua uxore genitum* (*c*). *Henry Spotiſwood* of *That-ilk*, who lived in the Reign of King *James* I. was Nephew to Biſhop *Lighton* of *Aberdeen*, and is ſaid *to have been in great Favour* with that excellent learned Prince. *James Spotiſwood* of *That-ilk* was forfeited in the Beginning of the Reign of King *James* IV. for adhering to King *James* III. (*d*) *William Spotiſwood* of *That-ilk*, loſt his Life with King *James* IV. at the fatal Battle of *Flowden* in *anno* 1513. His ſecond Son *John* was left very young at his Father's Death, however Care was taken of his Education in the inferior Schools at Home; and how ſoon he was fit for the Univerſity was ſent to *Glaſgow*, where he ſtay'd the uſual Time, till he took his Degrees. After that he betook himſelf to the Study of Divinity, which he intended to have made his Profeſſion, and continued ſome Time under the Direction of the learned and famous Dr. *Major*, who was then Theology Profeſſor at *Glaſgow*; but by reading the Fathers, and the Eccleſiaſtical Hiſtories, he ſoon came to perceive how far the Church then was degenerated from the Apoſtolick and Primitive Purity, both in Doctrine and Practice: This at firſt did not a little ſhock him; but that which determin'd him moſt of all, and made him lay quite aſide

(*a*) Chartulary of the Abbacy of Kelſo, in the Lawyers Library at Edinburgh. (*b*) Pryn's Hiſtory. (*c*) Charta in Rotulis Regis David, ad annum 1368. (*d*) Life of Sir Robert Spotiſwood, the Lord Preſident of the Seſſion, in the Reign of King Charles I. prefixed to his Practicks.

aſide all Thoughts of taking Orders in ſo corrupt a Church, was the rigorous Proſecution for Religion, and the ſanguinary Methods he obſerved were taken to ſtop the Progreſs of the Reformation at that Time; and abhoring ſuch Proceedings as unſuitable to the Chriſtian Religion, and fearing he might be ſuſpected of Hereſy, ſlipt away to *England* after the Reformation was begun by King *Henry*, where, by Divine Providence, he became acquainted with Archbiſhop *Cranmer*, by whoſe Means he was brought to the Knowledge of the Truth, and ſo fell off intirely from the Communion of the Church of *Rome*.

After the Death of King *James* V. he returned to *Scotland*, and ſtay'd with the Earl of *Glencairn*, who was a Favourer of the Reformation, with whom he had contracted an Intimacy while in *England*, and that Way fell into Acquaintance with the Earl of *Lennox*, when he broke with *France*, and was treating with King *Henry* for his Protection againſt the Regent of *Scotland*. The Earl finding Mr. *Spotiſwood* a young Man of Parts, and qualified for managing Buſineſs of Importance, ſent him to the Court of *England* to rippen Matters, if not to perfect a Treaty which had been for ſome Time in Agitation there; in Conſequence of which, King *Henry* beſtow'd his Neice upon the Earl in Marriage, the Lady *Margaret Douglas*; though the Tranſaction, ſince the publiſhing of Mr. *Rymer*'s excellent and valuable Collections, appears to have been otherwiſe, ſave the Royal Alliance, none of the faireſt nor the moſt Honourable upon the Earl's Part: But 'tis like enough Mr. *Spotiſwood* was not let into the whole Secret, and ſaw but the outſide of Things. Soon after this, the Earl's Practiſes with King *Henry* coming to be diſcovered, he fled to *England*, and took Mr. *Spotiſwood* along with him, where he remained for ſome Time; but afterward, from a longing Deſire to viſit his Relations, he returned to his own Country, and falling into Acquaintance with Sir *James Sandilands* of *Calder*, a Gentleman of great Worth and Merit, he preſented him to the Parſonage of *Calder* (*a*); but whether he had any Ordination Ceremony for conveying his Character, or after what Manner he was collated and inſtituted to the Benefice, which is the Churches Part, is more than I can tell. 'Tis likely he had not; for our firſt Reformers laid aſide the Ceremony of Impoſition of Hands, as unneceſſary to convey the Miniſterial Character, though they granted it was uſed by the Apoſtles. The Reaſon they give for declining to be govern'd by that Precedent is, becauſe the Miracles were ceas'd which accompanied that ſolemn Circumſtance in the firſt Age of the Chriſtian Church. The Effect I obſerve of this Latitude was, that Preachers did not think themſelves ſo ſtrictly tied to a conſtant Reſidence at their Paſtoral Charges, but that they remov'd at their Pleaſure to other Cures. But this was not the worſt of it, for ſome Miniſters fixed in Congregations, threw up their Character, and deſerted from the Pulpit into other foreign Profeſſions, which occaſioned the Aſſembly afterward to remedy this Inconvenience, among other Regulations of Diſcipline, to paſs an Act for the publick Inauguration of Miniſters (*b*); a Ceremony deſigned, as I take it, to ty the Clergy to their particular Flocks, ſo as they could not remove themſelves without a Sentence of the Church.

Altho' Mr. *Spotiſwood* was a very good pious Man, yet he took a little of the common Liberty that Way, tho' I ſhall not condemn his Practice, no Doubt he had very good Reaſons for what he did, for in the 1558, when the Prior of St. *Andrews* went over to *France*, as one of the Commiſſioners from the Eſtates of *Scotland*, to the Queen's Marriage with the *Dauphine*, he attended him thither, though he returned Time enough to lend his helping Hand to the Eſtabliſhing of our happy Reformation, and in drawing up a Syſtem of Belief, the *Confeſſion*

(*a*) Spotiſwood's Church Hiſtory page 344. (*b*) Spotiſwood's Church Hiſtory and Collier page 523.

of *Faith*, which was afterward ratified by Act of Parliament, and was for a long Time the National Standard of Orthodoxy.

The Doctrinal Part of the Reformation being thus far eſtabliſhed, it was neceſſary there ſhould be a Form of Eccleſiaſtical Polity ſettled alſo: For this Purpoſe, upon the Receſs of the Eſtates, a Commiſſion was directed to Mr. *John Windram* Sub-prior of St. *Andrews*, Mr. *John Spotiswood*, *John Willock*, Mr. *John Douglas* Rector of St. *Andrews*, Mr. *John Row* and Mr. *John Knox*, to draw a Scheme of Diſcipline for the Church. Theſe Miniſters executed their Orders, and formed their Draught moſtly upon the *Geneva* Plan, only they ſet up Superintendents, which the other had not, and who were inveſted with a Kind of Epiſcopal Juriſdiction; though 'tis plain from the Book of Diſcipline, they were never intended to be perpetual ſtanding Officers in the Church, or any more than a Temporary Proviſion, in regard of the Exigency of the Juncture, till a more acceptable Form of Polity ſhould be ſettled in the Church. But by the Way, for what I can ſee, this Office, though it carried a viſible Superiorty in it, yet it was never murmured at, nor complained of either by Mr. *Knox*, who was altogether for a Parity in his own Judgment, or any other of the Clergy, who were moſt for the *Geneva* Form, it ſeems rather to have been agreeable to the general Senſe of the Nation, ſince upon the ſettling of Epiſcopal Government in the Church, by the Treaty of *Leith* in 1572, the Superintendents Office is not at all we ſee abrogated, 'tis rather conſolidate into the Epiſcopal Function as now revived, and the Offices conſidered as one and the ſame, in Point of Juriſdiction, tho' ſomewhat different in the Manner and Adminiſtration: For by an Article in the Treaty of Settlement, Biſhops or Superintendents were, among other common Parts of their Adminiſtration, authorized to act in Concert, and promiſcuouſly to examine Candidates for the Miniſtry, within whoſe Precinct the Church lay whereunto the Perſon was called, and being found duly qualified, they were accordingly collated and admitted to the Benefice. That Inſtitution and Collation was given by Superintendents this Way, as well as Biſhops, will more fully appear from a Preſentation I have in my Hands, directed to the learned and Pious Mr. *Erskine* of *Dun* Superintendent of *Angus* and *Mearns*, for giving Inſtitution to one Mr. *Gray*, of a Benefice, within the Limits of his Juriſdiction, and is the only one of that Kind I ever ſaw, and therefore I have placed it in the Collection of Records at the End of this Volume.

In the Nomination of the firſt Superintendents, the Choice for one of the Number fell upon Mr. *Spotiſwood*, who was very able and willing to undertake the Work, and he diſcharged his Function, and ſupported his Character to a great Degree of Commendation, and in one Thing was ſingularly happy, which ought not to be omitted to the Honour of his Memory, that by his Induſtry and Application in in the Diſcharge of his Function, he was eminently Inſtrumental in gaining over vaſt Numbers from Popery to Proteſtancy, which could ſcarcely be believed, had we it not from the Archbiſhop his Son, whoſe Authority in the Matter is not to be queſtioned. *His Care*, ſays he, *in teaching, planting of Churches, reducing People and Perſons into the right Way, was ſo great and ſucceſsful, as within the Bounds of his Charge none was found refractory from the Religion profeſſed.* Before I diſcuſs this Subject concerning the Superintendents, which has been little known, and leſs conſidered, we ſhall only obſerve there was no other Solemnity required to compleat their Character more than the ordinary Miniſters, ſave the Approbation of the neighbouring Superintendents and the Miniſters of the Province to which they were elected, together with the publick Conſent of the Elders and People.

Soon after this, when the Reformers began to divide and break into Parties

ties about the different Forms of Church-Government and the Presbyterians were attempting to overturn the Settlement of Episcopacy at *Leith*, the Superintendent and the rest of his Fraternity declared strongly against the Project of a Parity, and argued strenuously for the Lawfulness of a Superiority in the Church, from the Scriptures, Antiquity, and the Practice of the primitive Times; though at length, when he saw his struggling would be to no Purpose, and that the Matter was not of that Importance to make a Schism, or to break the Peace and Quiet of the Church, he dropped the Point, and submitted to the Majority of the Assembly, yet he still retained his former Sentiments on that Head; for upon his Death-bed, as his Son solemnly assures us, to several who came to visit him, he lamented extreamly the Case of the Church, for he was apprehensive that the Ministers by their Management, would bring Religion in Hazard, and provoke the King to forsake the Truth; and from thence he inferr'd the Necessity of restoring Bishops, because of the Unruliness of some of the younger of the Clergy, who would not otherwise be kept in Order; and though he had nothing to object against the Doctrine of the Reformation, which he said *was good*, yet *the old Polity*, meaning Episcopal Government, he said, *was undoubtedly the better*. He died *December 5th* 1585, in the 76th Year of his Age. By *Beatrix* his Wife, Daughter of *Patrick Crichton* of *Lugton*, he had two Sons, *John* Archbishop of St. *Andrews*, and Dr. *James Spotiswood*, who being bred a Scholar, and taken notice of for a young Man of Parts, came to be one of the King's Chaplains before he left *Scotland*. He waited on His Majesty into *England* at his first Entrance into that Realm, and taking Orders in that Church, he was the same Year 1603 preferred to the Rectory of *Wells*, in the Diocess of *Norwich* (*a*), and after that promoted to the Bishoprick of *Clogher* in *Ireland*, and was consecrated at *Drocheda*, in the 1621 (*b*), where he sat till he was frightened thence into *England*, by the breaking out of the horrid Rebellion in 1641, where he died in *March* 1644, and was interr'd at *Westminster* Abbey, at or near the Tomb of his Brother the Archbishop. The Superintendent had also a Daughter married to - - *Tennent* of *Lynhouse*.

THE Archbishop was born in the 1565. He discovered a more than ordinary Genius in his Childhood, and was bred at the University of *Glasgow*, where, as an Argument of his early Proficiency, he took his Degrees in his Sixteenth Year, *anno* 1581. After that applying himself to the Study of Divinity, under the Direction of his own Father, in which he made so considerable a Progress, that by the Time he was Twenty, he was judged qualified for the Ministry. Accordingly being licensed a Preacher, he was made Assistant to his Father in his Pastoral Care, who was somewhat disabled thro' Age for his Function: Upon whose Death, in less than a Year thereafter, he was presented to the Parsonage of *Calder*, and ordained to the Ministry by the Presbytery of *Linlithgow* in the 1586; for tho' his Orders were only conferred by Presbyters, yet they were sustained valid even by Episcopal Men at that Time, and he look'd on as a true authoriz'd Minister of Jesus Christ. Here he exercised his Pastoral Function for many Years very well, and appeared equal to the Work: And being reputed a Man of Breeding and Address, he was pitch'd on to attend the Duke of *Lennox* in the Quality of his Grace's Chaplain, when he went Ambassador Extraordinary to the Court of *France* in the 1602.

MR. *Spotiswood* having now a considerable Reputation, both for his Learning and Conduct, King *James* took him with him into *England* upon his Accession to that Crown; and upon the Death of old Archbishop *Bethune* of *Glasgow*, which happened at *Paris* 24th of *April* this Year 1603 (*c*), His

(*a*) Rymer's Fœdera. (*b*) Sir James Ware's Account of the Bishops of Clogher, in his History of Irish Writers. (*c*) Mr. Dempster's Ecclesiastical History of Scots Writers.

Majeſty preſented him to that *See*, and nam'd him one of the Lords of the Privy-Council. Being in this Station of Honour and Preferment, he was order'd for *Scotland* to attend Queen *Anne*, the Royal Conſort of King *James*, in Her Journey to *London*. Her Majeſty placing a Confidence in his Integrity made him Her Almoner, and the King gave him a yearly Penſion of Fourſcore Pounds *Engliſh* Money (*a*), the better I preſume to enable him to ſupport his Epiſcopal Character, till the Temporality of the Biſhopricks, which were veſted in the Crown, ſhould be reſtored to their reſpective *Sees*, which was not fully perfected till the 1606. Before I proceed, I cannot well omit taking Notice of a Miſtake the Writer of Archbiſhop *Spotiſwood*'s Life prefixed to his Church-Hiſtory has fallen in, when he ſays, *That at the Archbiſhop's Entry to the* See *of* Glaſgow, *he found the Revenue of it ſo dilapidate, that there was not One hundred Pounds* Sterling *left to tempt to a new Sacrilege*. To clear this Matter, and to rectify the Author's Miſtake, we may obſerve, That though ſome *Sees* after the Reformation had little or nothing left toward a Competency to maintain a Biſhop, as *Dunblain*, *Murray* and the *Iſles*, yet the *See* of *Glaſgow* had ſtill a tolerable Subſiſtence. 'Tis true indeed, Archbiſhop *Bethune* the laſt Roman-Catholick Biſhop, did, in View of the Reformation, make ſeveral Dilapidations of the Epiſcopal Revenue, and Biſhop *Boyd* the firſt Proteſtant Archbiſhop, tho' an excellent pious Man, did the like (*b*), the more to reconcile and ſecure the Nobility and the better Sort of People to the Intereſt of Epiſcopacy, yet there was ſtill a competent Proviſion left of the Archbiſhoprick, for the Reſerve of the old real Rent turned into a yearly Duty by the Vaſſals of the Regality, and other Branches of the Epiſcopal Revenue, amounted to upwards of Five hundred Pounds even at this Time, tho' it had been once vaſtly greater; nor have I ſeen any Document to inſtruct, that Archbiſhop *Spotiſwood* ever recovered any Thing that had been alienated by his Predeceſſors to the *See*. He was indeed a Benefactor to the Cathedral, which had been much ruined and neglected, ſince the ſuppreſſing of Popery (*c*), and to the Archiepiſcopal Palace; both of which he put into a tolerable Condition of Repair, and began the noble Leaden-Roof on the Church as it now ſtands, which was compleated by his Succeſſor in the *See* Archbiſhop *Law*.

The firſt Thing of Moment that happened after the Biſhops were reſtored to their Temporalities, and the Act of Annexation repeal'd, was the memorable Conference at *Hampton* Court, where ſeveral of the *Scots* Clergy of both Parties were ordered to attend the King, to give His Majeſty Satisfaction concerning the late Aſſembly at *Aberdeen*, which had occaſioned a great Deal of Conteſt. The Caſe in ſhort was this; A General Aſſembly was to have met at *Aberdeen* in *July* the laſt Year, but the King being wholly taken up with the Project of the Union, the Meeting was firſt adjourned for a Twelve Month, and after that was put off till further Order. His Majeſty was generally obey'd, for of the Fifty Preſbyteries, only Nine ſent their Commiſſioners to *Aberdeen*. And thus, when the Day came, their Meeting conſiſted but of about One and twenty. However theſe Members were all Men of

(*a*) Rymer's Fœdera Angl. (*b*) Biſhop Bethune alienated the Forty eight Pound Land of Carſtairs, to Sir James Hamilton of Evandale, from whom it came to the Houſe of Lee; and Biſhop Boyd feued out the Lands of Bedlay to the Lord Boyd, the Lands of Gorbels to George Elphinſton of Blythſwood; and by a ſpecial Commiſſion from the Crown, the Prior of Blantyre then Lord Privy-Seal, feued out the moſt of the Barony of Glaſgow to the old Rentalers themſelves, when the King had but little View of ſeeing Epiſcopacy revived with any Kind of Luſture in the Church. (*c*) The Archbiſhop, in his Hiſtory tells us, and the Town has the conſtant Tradition of it to this Day, That when Mr. Andrew Melvil the great Reformer was the Head of the Univerſity of Glaſgow, anno 1580, he and ſome other Miniſters plied the Magiſtracy of the Town with ſuch Importunity to pull down this noble Structure, that at laſt they conſented. One of their Topicks was, That this Church was a Monument of Idolatry, and the only unruin'd Cathedral in the Country; but when the Maſons were brought to take down the Building, the Townſmen ran to Arms, and threatned thoſe with immediate Death that ſhould ſtir the firſt Stone: And thus, by the Bravery of the Burghers, the Cathedral was preſerved.

of Zeal and Reſolution, and prepared to ſtand the Shock. Sir *Alexander Straiton* of *Lawriſton*, His Majeſty's Commiſſioner in Church Affairs, commanded them to retire and break up that unlawful Aſſembly. They told him their Meeting was allowed by the Laws of the Realm (*a*), and that they ought not to betray the Liberties of the Church, by giving Way to ſo illegal a Diſcharge. The Commiſſioner argued againſt their Plea, aſſerted the King's Prerogative in Calling and Diſſolving Church Aſſemblies. But being requeſted to withdraw, and give them ſome little Time for further Deliberation, he complied with the Motion. Being thus left to themſelves, they immediately chooſe Mr. *John Forbes* Miniſter at *Awfurd*, for their Moderator, and adjourned the Aſſembly to the laſt of *September* following (*b*). *Lawriſton* the Commiſſioner finding himſelf thus uſed, complained to the Council, and proclaimed them Rebels. Mr. *Forbes* the Moderator, and Mr. *Welſh* the Miniſter of *Air*, two of the leading Men, were ſummoned to appear before the Board; and reſolutely maintaining what they had done, were ſent Priſoners to the Caſtle of *Blackneſs* on the Third of *October*. The reſt were ordered to appear before the Lords of the Council; and now Thirteen of their Number own'd their Misbehaviour, and intreated their Lordſhips would interceed with the King for their Pardon; the reſt, which were but Eight, juſtifying their Proceedings, were committed to ſeveral Priſons. Theſe were Mr. *Charles Fairholm*, Mr. *John Monro*, Mr. *James Irvine*, Mr. *William Forbes*, Mr. *Nathaniel Inglis*, Mr. *Andrew Duncan*, Mr. *James Gray*, and Mr. *John Sharp*. As for the Thirteen who confeſſed their Fault, they were diſmiſſed, and had the Liberty of returning to their reſpective Charges. Theſe Proceedings of the Council were cenſured in the Pulpit by ſeveral Miniſters: And to draw a greater *Odium* upon the Adminiſtration, 'twas given out, that the ſuppreſſing Aſſemblies, and the eſtabliſhed Diſcipline was the Bottom-Deſign, and that the Ceremonies of the Church of *England* were to be forced upon them. The King publiſhed a Declaration to ſatisfy the People of his Intentions, intimating withal, that another Aſſembly ſhould meet at *Dundee* in *July* following.

THIS Declaration making no Impreſſion upon the diſaffected Miniſters, they were ſummoned to appear at the Council-Table to be further puniſhed for their Misbehaviour. When they came they exhibited an Inſtrument called a Declinator, which was ſubſcribed by Fourteen in all. The Subſtance of the Paper was, *That the Meeting or Diſcharge of a General Aſſembly was a Matter of Spiritual Cognizance, and belonged to the Deciſion of the Church; that therefore they muſt be forced to decline their Lordſhips Juriſdiction, and ſubmit themſelves to the Trial of a General Aſſembly, who are the only competent Judges of the Cauſe.* The King receiving Advice of the Declinator, ordered their Proſecution. Accordingly Six of them were indicted upon the Statute made in the Year 1584, found guilty of Treaſon, and returned to their Priſons till His Majeſty's Pleaſure was further known.

BUT the Pacifick King finding, that puſhing Things to Extremity was not like to anſwer his End; and being willing rather to proceed by gentler Methods, concluded at length to have the Cauſe brought to *London*, where it ſhould be pubickly heard before himſelf, in Order, if poſſible, to have Matters accommodate in a Way of Peace. Purſuant to this Deſign, as hath been ſaid, ſeveral of the *Scots* Clergy of both Perſwaſions were ordered to attend the King at *Hampton* Court. The Archbiſhops of St. *Andrews* and *Glaſgow*, the Biſhops of *Orkney*, *Galloway*, and Mr. *Nicolſon* deſigned for the *See* of *Dunkeld*, were on the Epiſopal Side; Mr. *Andrew* and

(*a*) The Act of Parliament of 1592, aſcertaining annual General Aſſemblies to the Church was ſtill unrepeal'd; and upon that they inſiſted they might meet and hold Aſſemblies, even without His Majeſty's Conſent. (*b*) Archbiſhop Spotiſwood's Church Hiſtory.

Mr. *James Melvils*, Mr. *James Balfour*, Mr. *William Watſon*, Mr. *William Scot*, Mr. *John Carmichael*, and Mr. *Adam Colt*, were for the Presbyterian Party.

THE King ordered ſome of the *Engliſh* Biſhops to attend him at the ſame Time, and preach by Turns upon the Subjects given them. Dr. *Barlow* Biſhop of *Lincoln* began the Exerciſe; his Text was *Acts Chap.* xx. *Ver.* 28. *Take heed therefore to your ſelves, and to the Flock over which the Holy Ghoſt hath made you Overſeers*, &c. From theſe Words he took Occaſion to to prove the Superiority of Biſhops over Presbyters both from the Scriptures and the Teſtimony of the *Ancients*.

DR. *Buckeridge* Biſhop of *Rocheſter* came next, and preached upon *Romans* xiii. *Ver.* 1. *Let every Soul be ſubject to the higher Powers*. From this Text he maintain'd the King's *Supremacy* in Eccleſiaſtical Cauſes, and did not a little gall the *Scots* Miniſters, to hear a Parallel drawn between the Pope and the Presbyterians in their Encroachments upon Princes.

BISHOP *Andrews* of *Chicheſter* followed Dr. *Buckeridge*, and took ſome of the firſt *Verſes* of the x. *Chap.* of *Numbers* for his Text, *Make the two Trumpets of Silver*, &c. From theſe Words he made it his Buſineſs to prove the Authority of *Secular* Princes for conveening *Synods* and *Councils*.

THE Biſhop of *London*, Dr. *King*, came up laſt, his Text was Verſe 11. of the viii. Chapter of the *Canticles*, *Solomon had a Vineyard at Baal-hamon, and he let out the Vineyard unto Keepers* &c. *The Diſcourſe, tho' ſomewhat remote from the Words*, ſays my Author(*a*), *was ſuitable to the Occaſion*; for the Sermon was principally ſpent in proving, that Lay-Elders were Church-Officers unknown to the ancient Church; and that the modern Scheme had no Warrant either from Precept or Example in Scripture or primitive Practice. The King ordered theſe Sermons as a preliminary Expedient, hoping that the Controverſy between the Kirk and the Hierarchy, being thus learnedly managed, might be a Mean to bring the *Scots* Miniſters to a more favourable Opinion of the Diſcipline and Government of the *Engliſh* Church, which His Majeſty exceedingly deſired.

AT their firſt Audience the King acquainted them, *That the Reaſon of his ſending for them was to know their Opinion touching the Meeting at* Aberdeen, *where a few Miniſters, in Contempt of His Authority, had conveened themſelves; and notwithſtanding they fail'd both in Numbers and cuſtomary Method, they had the Preſumption to keep together, and to call their Meeting a General Aſſembly; and that ſome of them ſince has maintain'd their Misbehaviour, and declined the Juriſdiction of His Council: His Majeſty therefore deſir'd to hear their Thoughts upon this Conduct, becauſe He was informed ſeveral Miniſters juſtified the Meeting, and recommended theſe Brethren to the Prayers of their Congregations.* Now this was, ſays the King, in Effect to proclaim him a Tyrant and a Perſecutor.

TO this Mr. *James Melvil* anſwered, that the Miniſters who met at *Aberdeen* had no ſuch peremptory Command to break up the Aſſembly as was reported, and turning to Sir *Alexander Straiton* of *Lawriſton*, His Majeſty's Commiſſioner then preſent, conjured him to declare his Knowledge of that Matter. In ſhort Mr. *Melvil* endeavoured to defend the Legality of the Aſſembly, notwithſtanding the Defects objected in Numbers and Form.

THE King finding the Presbyterian Miniſters diſpoſed to maintain their Ground, demanded their Anſwers to theſe three Queſtions. Firſt, *Whether 'tis lawful to pray for Perſons convicted by a Legal Court as Perſons afflicted and in Diſtreſs?* Secondly, *Whether I may not*, continues the King, *as a Chriſtian Prince, by Vertue of my Authority Royal, Conveen, Adjourn and Diſſolve any Aſſembly within my Dominions, for neceſſary Reaſons beſt known to my ſelf?* Thirdly, *Whether I am not impowered by my Royal Authority to*

(*a*) The learned Mr. Collier in his Eccleſiaſtical Hiſtory, Page 691.

to ſummon any Perſons whatſoever, either Civil or Eccleſiaſtical, before me and my Council to anſwer for Miſdemeanors by them commited in any Place of my Dominions? And whether 'tis not lawful for me to try the Offence and proceed to Judgement? And further, Whether all my Subjects, being ſummon'd before me and my Council, are not obliged to make their Appearance, and own me and my Council competent Judges?

Mr. *James Melvil* deſiring ſome Time to deliberate upon ſuch weighty Queſtions, the King was contented to ſtay for their Reſolution till the next Day. When they came, the *Scots* Biſhops being firſt asked their Opinion, unanimouſly condemned the *Aberdeen* Aſſembly as Illegal, Turbulent and Factious; but the Presbyterians, eſpecially the two Mr. *Melvils*, Mr. *Balfour* and Mr. *Scot*, gave ſuch ſhifting and evaſive Anſwers to the Point in Queſtion, as very much diſguſted the King; upon which theſe Miniſters, and the reſt of the Brethren that came along with them, were ordered not to return into *Scotland* without the King's Licenſe, and forbidden to appear at the Queen and Prince's Court. The Obſtinacy of the Miniſters, as the Court called it, and the Reſolution and Courage, as their Party termed it, made it fare the worſe with their Brethren at Home, who had, as has been ſaid, been convicted of Treaſon; for ſoon after the Conference broke up, an Order was ſent into *Scotland*, baniſhing them the King's Dominions for ever, under pain of Death.

His Majeſty having in the Preceeding Parliament reſtored the Biſhops to their Temporalities, he thought it but juſt to reſtore the Juriſdiction of Commiſſaries to the Church alſo (*a*): For the Reader is to know, that after the Reformation, the Cognizance of ſeveral Cauſes antiently belonging to the Biſhops Courts, were then ſettled in the College of Juſtice, which were by an Act of Parliament this Year 1609, returned to their Ordinaries, and the Lords of the Seſſion, by way of Compenſation, were allowed 10000 Pound *Scots*, to be yearly paid out of the Cuſtoms of the Kingdom. At this Time His Majeſty was pleaſed to make Archbiſhop *Spotiſwood* one of the extraordinary Lords of the Seſſion, upon the Reſignation of Mr. *Peter Rollock* Titular Biſhop of *Dunkeld*, now beneficed in *England*, Rector of *Bedeſburn* (*b*). The Archbiſhop's Promotion to be a civil Judge rais'd a great Clamour againſt him for accepting of a ſecular Office, which the General Aſſembly, after it had been very deliberately argued heretofore, in the Caſe of Mr. *Robert Pont* Rector of St. *Cuthberts*, declared incompatible with the Miniſterial Function, and that no Clergyman ought to be intangled with a ſecular Juriſdiction; the Office and Function of the Miniſtry being of ſuch Importance, that it will take up the whole Man in a due Execution of the Paſtoral Care.

To proceed, His Majeſty, being deſirous ſtill more and more to advance Epiſcopacy, wrote earneſtly to the *Scots* Biſhops to extend their Adminiſtration, and manage to the length of their Character. But theſe Prelates were apprehenſive, the venturing upon ſuch a Change without the Conſent of the Miniſters, might be ill received. To make the Affair therefore the more practicable, a General Aſſembly was held at *Glaſgow* on the 8th of *July* 1610, the Earl of *Dunbar*, the Lord Treaſurer and the Archbiſhop of St. *Andrews*, were the King's Commiſſioners; and the Archbiſhop of *Glaſgow* was elected to preſide. The Treaſurer opened the Meeting, by acquainting them, That His Majeſty's Intentions was to ſettle the Church in a commendable Way of Diſcipline; and to give more particular Directions, and diſpoſe them to a thorough Complyance, His Majeſty's Letter was read: 'Tis ſuperſcribed thus.

To the Right Reverend Fathers in God, Our Right Truſty and well beloved Couſins and Counſellors, and others Our Truſty and well beloved the Prelates,

(*a*) Acts of Parliament. (*b*) Rymer's Fœdera Angliæ.

Noblemen and others, Our loving Subjects as well Miniſtry as Laity, met and conveened in this Aſſembly.

THE Letter ſet forth, *That nothing has ſo much diſſerved the Glory of God, and the Repoſe of the Church, as the Want of Order and Government, without which no Society either Eccleſiaſtical or Civil can poſſibly ſubſiſt. And notwithſtanding the Singularity, the Obſtinacy, or Ignorance of ſome People, kept up a Sort of headleſs Government for a while, yet the Inconvenience and Impotence of this Adminiſtration was quickly diſcovered. The King therefore, to put a Stop to this Evil, which had otherwiſe proved an incurable Cancer, had aſſiſted in Perſon at ſeveral Aſſemblies, had provided a Maintenance for Eccleſiaſticks, and recovered their Juriſdiction from the Encroachments of the Laity. Theſe Things conſidered, His Majeſty hoped that the Church being ſenſible of their Errors, in ſuffering the late Anarchy in their Body, would have made their Application to him, for eſtabliſhing the Eccleſiaſtical Government upon the Primitive Model; that a proper Remedy might be found out to cloſe the Diviſions, and put an end to the preſent Diſtractions. But whether this Negligence and Miſconduct was chargeable upon the Unwillingneſs or Unworthineſs of the Fathers of the Church, or that the factious Singularity of theſe of lower Condition, was the Occaſion of continuing this Confuſion, His Majeſty is uncertain: However conceiving himſelf bound not to ſuffer ſuch dilatory Proceedings in ſo important a Matter, he has thought fit to conveen this preſent Aſſembly, not ſo much upon the Score of Neceſſity, as if the Conſent of the Members was abſolutely requiſite to the Things propos'd; but to ſhew His Majeſty's Zeal for the Glory of God, and the Inexcuſableneſs of thoſe who refuſe to concur with him for the Intereſt of the Church: However hoping their preſent Management will give him a better Opinion of them for the Future, he refers them to the Earl of* Dunbar *and the Archbiſhop of St.* Andrews, *who have Inſtructions further to acquaint them with his Majeſty's Pleaſure.* The Letter is dated from *Thetford*, May 8th 1610 (*a*).

AFTER the reading His Majeſty's Letter, the Aſſembly appointed a Commitee to draw up ſuch Heads of Diſcipline, as they thought neceſſary for the Government of the Church, and giving the King Satisfaction. After ſome Days ſpent in forming a Draught and debating the Matter, the following Articles were all ratified and approved by a Majority of the Aſſembly.

I. 'TWAS declared, "That that 'late Aſſembly at *Aberdeen* was null, 'principally, becauſe it had not His 'Majeſty's Allowance, and that ap'pointing Aſſemblies is Part of the 'Prerogative Royal.

II. 'TIS declared expedient, 'That 'the Biſhops ſhould be Moderators 'in every Dioceſan Synod; That 'theſe Synods ſhall be held twice a 'Year; and where the Dioceſſes are 'large, there may be Two or Three 'Synods conveened at a proper Di'ſtance, for the Eaſe of the Miniſtry.

III. "THAT no Sentence of Excom'munication or Abſolution be pronoun'ced againſt, or in Favour of any Per'ſon, without the Approbation of the 'Biſhop of the Dioceſs, who muſt 'be anſwerable to His Majeſty for the 'Regularity of his Proceedings; and 'when the Proceſs is fairly and le'gally finiſhed, Sentence is to be pro'nounced at the Biſhop's Direction, 'by the Miniſter of the Pariſh where 'the Offender dwells (*b*).

IV. "THAT for the future, all 'Preſentations ſhall be directed to the 'Biſhop of the Dioceſs; and that a 'Teſtimonial of the Life and Abili'ties of the Perſon preſented ſhould 'be ſent to the Biſhop by the Neigh'bouring Miniſtry, and the Biſhop 'finding him qualified upon his Exa'mination, is to take in the Aſſiſt-

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(*a*) Mr. Collier from a Manuſcript of the Acts of the Aſſembly, in the Cuſtody of the honourable Archibald Campbel Eſq; (*b*) Archbiſhop Spotiſwood's Eccleſiaſtical Hiſtory Page 513.

'ance of ſome of the Miniſters of the 'Bounds where the Perſon is to of-'ficiate (*a*): And then as the *Manu-'ſcript ſpeaks*, to perfect the whole 'Act of Ordination.

V. "THAT in Order to the de-'priving of Miniſters, the Biſhop, with 'the Aſſiſtance of ſome Miniſters of 'the Neighbourhood, where the De-'linquent officiates, ſhall proceed to 'try the Cauſe, and pronounce Sen-'tence.

VI. "THAT every Miniſter at his 'Admiſſion ſhall ſwear Obedience to 'His Majeſty, and his *ordinary* Pur-'ſevant, to the Form ſet down in 'the Conference held in the Year of 'our Lord 1571, in the following 'Tenor;

I A. B. *now nominated and admitted to the Church of* D. *utterly teſtify and declare in my Conſcience, That the Right Excellent, Right High and Mighty Prince* James VI. *by the Grace of God King of* Scots, *is the only lawful ſupreme Governor of this Realm, as well in Things temporal as in Conſervation and Purgation of Religion: And that no foreign Prince, Prelate, State or Potentate has, or ought to have any Juriſdiction, Power, Superiority, Pre-eminence or Authority Eccleſiaſtical or Spiritual within this Realm; and therefore I utterly renounce and forſake all foreign Juriſdictions, Powers, Superiorities and Authorities, and promiſe, that from this Time forth I ſhall and will bear Faith and true Allegiance to His Highneſs, His Heirs and lawful Succeſſors; and to my Power ſhall aſſiſt and defend all Juriſdictions, Privileges, Pre-eminences and Authorities granted and belonging to His Highneſs, His Heirs and lawful Succeſſors, or united and annexed to His Royal Crown. And further, I acknowledge and confeſs to have and hold the ſame Church, and Poſſeſſions of the ſame (under God only) of His Majeſty, and Crown Royal of this Realm. And for the ſaid Poſſeſſions I do Homage preſently unto His Highneſs in your Preſence; and to His Majeſty, His Heirs and lawful Succeſſors, ſhall be faithful and true.* So help me God.

VII. 'THE Dioceſan Viſitations 'are to be made by the Biſhop in Per-'ſon, unleſs the Bonds are too large 'for him to go over; in which Caſe 'he is to make choiſe of ſome wor-'thy Miniſter of the Dioceſs to viſit 'for him; and whatever Miniſter ſhall, 'without lawful Excuſe, refuſe to ap-'pear at the *Viſitation* or *Dioceſan Aſ-'ſembly*, ſhall be ſuſpended from his Of-'fice and Benefice, and, unleſs Amend-'ment follows, deprived.

VIII. 'THAT the *Exerciſe of Do-'ctrine* be continued weekly among 'the Miniſters, at the Time of their 'cuſtomary Meeting; and that the 'Biſhop either moderate himſelf, or 'appoint ſome Perſon to repreſent 'him.

IX. 'THAT the Biſhop ſhall be 'ſubject to a *General Aſſembly* in all 'Things relating to private and pub-'lick Conduct: Or, as the *Aſſembly* 'ſpeaks, touching Life, Converſation, 'Office and Benefice: And, the Bi-'ſhops being convicted of Misbehavi-'our by the *Aſſembly*, are, with His 'Majeſty's Advice and Conſent, to be 'deprived (*b*).

X. "THAT no Biſhop be elected 'under forty Years old, and who has 'not for ſome Time been a preaching 'Miniſter.

Laſtly, It was unanimouſly decreed, 'That no Miniſter, either in Pul-'pit or publick Exerciſe, ſhould argue 'againſt, or diſobey the Acts of this 'preſent *Aſſembly*, under the Penalty 'of Deprivation; and particularly, 'that the Queſtion of Equality or 'Inequality in the Church ſhall not 'be diſcourſed in the Pulpit, under 'the ſame Forfeiture.

A learned Eccleſiaſtical Hiſtorian tells us, the Reſolutions of this Aſſembly were unanimous almoſt to an Univerſality, there being but three diſſenting Members amongſt about an hundred and forty (*c*). And this is

(*a*) Mr. Collier, from a Manuſcript Acts of the General Aſſembly, Page 706. (*b*) This Article is omitted in Archbiſhop Spotiſwood's printed Hiſtory: But I have been informed the Manuſcript fell in bad Hands, and was not well uſed after his Death. (*c*) Archbiſhop Spotiſwood's Refutatio Libelli de Regimine Eccleſiæ Scoticanæ, Page 83, publiſhed in 1620.

the more to be relied on, that Mr. *Calderwood* himſelf acknowledges there were but five who diſſented to the *damnable Concluſions*, as he calls them, *of this woful Aſſembly (a).*

SOON after the breaking up of the Aſſembly, the Archbiſhop of *Glaſgow* was ſent for to attend the King, and ordered to bring two other Biſhops of his own chuſing along with him. He pitched upon Biſhop *Hamilton* of *Galloway*, and Biſhop *Lamb* of *Brechen*, and came to Court about the Middle of *September*.

AT their firſt appearing in the Preſence, the King opened the Buſineſs for which they were ordered thither, and acquainted them: *That at a great Expence he had recovered the Biſhopricks out of foreign Hands, and beſtowed them upon ſuch as he hoped would acquit themſelves well in that Station; but ſince he could not make them Biſhops, neither could they aſſume that Honour to themſelves; and that in* Scotland *there was not enough of that Order to manage a Canonical Conſecration: For theſe Reaſons he had called them into* England, *that being conſecrated themſelves, they might propagate the Character, and ordain at Home, that by this Expedient the Adverſaries might be effectually ſilenced, who gave out that he took upon him to make Biſhops, and to beſtow ſpiritual Offices: But this Report was altogether an Aſperſion, for that he had not done any Thing of this Kind, nor would he ever preſume to go this far; and that he acknowledged ſuch an Authority belonged to none but our bleſſed Saviour, and thoſe commiſſioned by him.*

THE Archbiſhop ſpeaking for the reſt, profeſs'd their Willingneſs to obey his Majeſty, only they were apprehenſive of being miſunderſtood by their Brethren at Home, and that in Regard of the ancient Encroachments of the *Engliſh* Hierarchy upon the *Scots*, their complying with this Expedient might be interpreted a Kind of Subjection to the Church of *England*. The King reply'd, *He had guarded ſufficiently againſt that Inconvenience, and that to prevent Cavil and Miſconſtruction, he had ordered that neither the Archbiſhop of* Canterbury *or* York, *who were the only Pretenders, ſhould have any Share in the Solemnity; but that the Conſecration ſhould be performed by the Biſhops of* London, Ely, Bath *and* Wells. The propoſing this Temper, ſet the *Scots* Biſhops at Eaſe, who returning his Majeſty Thanks for his Care of their Church, declared themſelves willing to obey his Pleaſure.

THINGS being thus far adjuſted, His Majeſty iſſued a Commiſſion under the great Seal of *England* (*b*), to the Biſhops of *London*, *Ely*, *Bath* and *Wells*, and *Rocheſter*, requiring them to proceed to the Conſecration of the three *Scots* Biſhops above-mentioned, purſuant to the Form of the *Engliſh Ordinal*: But between the Commiſſion and the Solemnity, a Difficulty was offered by Dr. *Andrews* Biſhop of *Ely*, with Reference to the Conſecration of the *Scots* Biſhops. This Prelate affirmed, *They ought firſt to be made Prieſts, upon the Score of their having not been ordained by a Biſhop.* *Archbiſhop* Bancroft, as the Right Reverend Author, whoſe Life I am writing, himſelf reports, *maintain'd there was no Neceſſity of proceeding in that Manner: That where Biſhops could not be had, Orders given by Presbyters muſt be reckoned lawful: That unleſs this was granted, the Calling and Character of the Miniſtry in moſt of the reformed Churches might be queſtioned:* But all Arguing on the Point being over, and the *Scots* Biſhops maintaining the Validity of their Presbyterian Orders, the Biſhops of *London*, *Ely*, *Rocheſter* and *Worceſter*, proceeded to execute their Commiſſion: So Mr. *John Spotiſwood* was conſecrated Archbiſhop of *Glaſgow*, Mr. *Gavin Hamilton* Biſhop of *Galloway*, and Mr. *Andrew Lamb* Biſhop of *Brechen*, in the Archbiſhop of *Canterbury*'s Chapel at *Lambeth*, according to

(*a*) Mr. David Calderwood's Church Hiſtory Page 615, and 625, and Remarks upon Archbiſhop Spotiſwood's Hiſtory, by a Perſon of Honour, M. S. penes me. (*b*) Rymer's Fœdera Angliæ.

to the Ceremonies of the Church of *England*, on the 20th of *October* 1610 (*a*).

ABOUT this Time the King ſet up a high Commiſſion Court for the managing Eccleſiaſtical Cauſes. To give this Court and the Clergy Meaſures, the King diſpatched the Inſtructions following:

I. 'THAT no Application ſhall be 'made to the High Commiſſion, for a-'ny Thing brought before that Court, 'unleſs in Caſes either of Appeal or 'Complaint by ſome Biſhop; That the 'Grievance could not be redreſſed by 'the Dioceſan, or that the Cauſe had 'ſuffered very much in the Ordinary 'Court, by the Remiſſneſs of the 'Biſhop.

II. 'THAT every Archbiſhop and 'Biſhop ſhould reſide at his Cathe-'dral, and repair it as he was able.

III. 'That all Archbiſhops and 'Biſhops ſhould be careful in managing 'their Viſitation, and every third 'Year, at leaſt, inſpect the Conduct 'of the Miniſters and Readers.

IV. 'That every Archbiſhop ſhall 'viſit his Province every ſeven Years 'at leaſt.

V. 'WHEREAS in ſeveral Dio-'ceſſes, ſome Pariſhes belonging to 'other Biſhops, ly intermixed, Care 'ſhould be taken to exchange the 'Churches, that the whole Dioceſs, 'if the Expedient is practicable, may 'ly together: And in Regard ſome 'Dioceſſes are too large, and ſome 'too little, a Method ſhould be pro-'jected to bring them to a better Pro-'portion.

VI. 'THAT the Meeting of Mi-'niſters for the *Exerciſe* of *Doctrine*, 'ſhould not exceed the Number of 'Twelve at moſt: That Moderators 'ſhould be aſſigned them by their re-'ſpective Biſhops: That theſe Modera-'tors ſhould be impowered to bring all 'ſcandalous Perſons within their Pre-'cinct, before them, and to cenſure 'Offenders purſuant to the Canons 'of the Church; however they are 'not to proceed to Excommunication 'or Suſpenſion, without the Direction 'of the Ordinary. And in Caſe theſe 'Miniſters go beyond the Liberty al-'lowed them, either in Teaching or 'Behaviour, that then the Biſhops 'ſhall diſcharge the Meeting, and 'cenſure the Parties.

VII. 'CONSIDERING Lay-Elders 'have neither any Warrant in the 'Scripture nor Precedent in the Pri-'mitive Church, and yet notwith-'ſtanding, 'tis convenient for the Mi-'niſters to have ſome Aſſiſtants for re-'pairing the Church, providing Bread 'and Wine for the holy Euchariſt, 'and collecting Contributions for the 'Poor, the Miniſter is authorized to 'make choice of ſome of the moſt diſ-'creet of his Pariſh for this Purpoſe, 'and certifie their Names to the Ordi-'nary.

VIII. 'THAT the Pariſh Mini-'ſters may be impowered to conveen 'before themſelves and their Aſſiſtants 'above-mentioned, all notorious Of-'fenders, and put them under Penance, 'purſuant to the Canons of the Church: 'And, in Caſe of Contumacy and Incor-'rigibleneſs, declare their Names to the 'Biſhop for further Correction.

IX. 'THAT no Miniſter be admitted 'to any Cure without a preceeding Ex-'amination and Impoſition of Hands 'by the Biſhop, and two or three 'Miniſters at the Ordination: And, 'for ſettling an Uniformity in the Ad-'miſſion of Miniſters, a Form is 'ordered to be printed and practiſ-'ed, without Deviation, by every 'Biſhop.

X. 'THAT for the Future, the 'Election of Biſhops ſhall be govern-'ed by the Rules ſet down at the 'Conference held in the Year 1571, 'and during the Vacancy of the Biſhop-'rick, the Dean ſhall be *Vicarius in 'omnibus ad Epiſcopatum pertinentibus*, 'and have the Cuſtody of the Tem-'poralities, till the See is filled.

XI. 'THAT the Dean ſhall ſum-'mon a *Chapter* at leaſt once a Year, 'and take Care that nothing may paſs 'unleſs they are *capitulariter congre-*

(*a*) Mr. Wood's Athenæ Oxonienſes, ſecond Edition 1721, Vol. II. Page 33. Cambden's Annals, and Mr. Collier's Eccleſiaſtical Hiſtory, Page 702.

'*gati*: And that every Thing done 'by the Archbiſhop or Biſhop, with 'Reference to the Revenue of the See, 'may be entred upon the Regiſter, 'and kept in the *Chapter-Houſe*.

XII. 'THAT when a General Aſ-'ſembly ſhall be thought neceſſary, 'Application may be made to His 'Majeſty for Leave to meet; and 'that the Aſſembly ſhall conſiſt of 'Biſhops, Deans, Archdeacons, and 'ſuch others of the Miniſtry as 'ſhall be elected by their own Body.

XIII. 'THAT becauſe young 'People in *Scotland*, having gone 'through a Courſe of Philoſphy, fre-'quently preſs unto the Pulpit be-'fore they have got either Orders or 'Diſcretion; to prevent this Abuſe, 'ſtrict Care muſt be taken for putting 'a Reſtraint upon ſuch Perſons, and 'that none unordained may be allow-'ed to preach ordinarily or in pub-'lick (*a*).

THESE Directions delivered to the Biſhops, and ſome of the princi-pal Clergy conveened at *Edinburgh*, were generally approved by them. The High Commiſſion being publiſhed at the ſame Time, diſguſted not only thoſe in the Adminiſtration, who it ſeems conceived their Juriſdiction leſ-ſened thereby, but in a Word, the whole Presbyterian Party; for the great Deſign of ſetting up of that Court was to give the Biſhops the greater Authority, to oblige the Diſſenting Clergy to a more exact Conformity to the fixed Orders of the Church in Point of Ceremonies. The High Com-miſſion, as a learned Author (*b*) ob-ſerves, was made up of the principal Clergy, and ſome of the Nobility and Gentry thought moſt devoted to Epiſ-copacy: But the Biſhops being thoſe who kept the Diets of it beſt, moſt of Secular Members abſenting them-ſelves on Deſign, all Matters in it were carried to their Mind; ſo that it came to be called *the Biſhops Court*, and the *Odium* of all that was tranſacted there, was laid to their Door. And indeed it cannot be denied, that in this Court ſeveral worthy pious Men of the Miniſtry were proſecuted for Nonconformity to the Articles of *Perth* Aſſembly with too much Rigour and Severity, which gave great Offence, and opened the Mouths of many of all Ranks and Degrees, to inveigh againſt the Biſhops with all Bitterneſs, who otherwiſe were not indevoted to the E-piſcopal Function in it ſelf. And many wiſe Men were then, and ſtill are of O-pinion, that the Proceedings in the High Commiſſion did not a little fo-ment the Diſcontents and Jealouſies of the Nation, and contributed very much to the kindling that Flame that afterward broke out into ſo terri-ble a Combuſtion in the ſucceeding Reign.

THE firſt Accident of Moment that happened after the erecting the High Commiſſion, was the Death of of Dr. *Gladſtanes* Archbiſhop of St. *Andrews*, who died the ſecond of *May* 1615. The King took very little Time to conſider who ſhould be his Succeſ-ſor; for the Archbiſhop of *Glaſgow* being then at Court, he preſently named him to the See, and gave Or-der for the Diſpatch of all the neceſ-ſary Forms, for the Tranſlation; ſo that in three Months, or thereabouts, after the Death of the other Archbiſhop, he was compleatly inveſted in the Pri-macy, and ſettled in his Palace at St. *Andrews*.

THIS Prelate being now at the Head of the Church, and in great Fa-vour with His Majeſty, was by him thought fitteſt to be truſted with the Buſineſs of bringing the Church of *Scotland* to ſome Degrees of Uniſor-mity, in Worſhip and Ceremonies with the Church of *England*, which the King had exceedingly ſet his Heart upon; And that the Deſign might be carried on the more ſmoothly and with the greater Succeſs, an Aſ-ſembly was held at *Aberdeen* in the 1616, where Archbiſhop *Spotiſwood* preſided, where it was agreed, That a *Liturgy* or Book of Common Pray-er ſhould be compiled for the Uſe of the

(*a*) Spotiſwood's Church Hiſtory Page 514. (*b*) Dr. Burnet's Memoirs of the Dukes of Hamilton.

the Church of *Scotland*: That the Acts of the General Aſſemblies ſhould be collected and digeſted into Method, for a Rule of Diſcipline. The King ſent the Aſſembly a Draught of ſeveral Articles to be inſerted among the Canons: Theſe were kneeling at the Sacrament, private Communion in Caſes of Neceſſity, private Baptiſm in the like Caſe, Confirmation of Children, and the Obſervation of the Church's Feſtivals, of our bleſſed Saviour's *Nativity*, *Paſſion*, *Reſurrection*, *Aſcenſion* and *Pentecoſt*: But the paſſing them was refuſed at preſent, becauſe, as the Archbiſhop humbly repreſented to the King, the Articles had not been ſeen by the Church, nor mentioned in any Convocation of the *Clergy*: For the Primate being a moderate wiſe Man, well knew, that tho' they had the Name of Epiſcopacy in the Church, yet the Juriſdiction moſtly, and the Biſhops themſelves, were upon the Matter ſubject to an Aſſembly that was purely Presbyterian; and withal knowing that the Generality of the Nation were very averſe to receive any Innovation in the Worſhip of God, they had not been accuſtomed to; and ſo did not think it fit nor ſafe at that Time to puſh the Matter ſo far as the King deſired, and as the Biſhops were really diſpoſed to gratifie him in.

BUT tho' His Majeſty delayed to preſs the Execution of His Purpoſe for a little Time, yet he ſtill continued reſolved to purſue his former Reſolution; and they, who were moſt privy to his Councils at that Time, did believe, and were confident, the bringing that Work to paſs was the principal End of his Progreſs into his ancient Kingdom in the 1617: But not being well ſatisfied with the Oppoſition the Affair met with at His being there, when the Subject was only agitated in private Conferences with ſome of the Biſhops, and ſome few of the Clergy who were well diſpoſed to the Work in Hand in their own Judgment, whom the King adviſed with, He concluded, upon mature Deliberation, that it was not a proper Seaſon to promote the Buſineſs, and ſo returned to *England*, without ever having propoſed, or made the leaſt Approach in publick, toward any Alteration in the Church. Yet having, as hath been ſaid, ſet His Heart exceedingly upon the Matter, and the Biſhops, who would not appear unconformable to His Majeſty's Wiſh in this Particular, having concerted Matters among themſelves, and better diſpoſed the Clergy for a more cheerful Reception of the Ceremonies, moved for an Aſſembly of the Church, wherein they gave His Majeſty Aſſurances they would be able to carry the Buſineſs to his Satisfaction, which they well enough knew was one of the Things He moſt impatiently deſired to ſee before he ſhould leave the World. For this End His Majeſty call'd an Aſſembly, which met at *Perth* in 1618, where the five Articles before mentioned, which ſtuck at *Aberdeen*, after being debated by a Committee, paſs'd in the full Aſſembly.

FIRST, *That in Reverence to the Divine Majeſty, and due Regard to the Myſtery of the Holy Euchariſt, 'tis decreed, That this bleſſed Sacrament ſhall be celebrated and received Kneeling.*

SECONDLY, *That if any good Chriſtian, viſited with long Sickneſs, and unable to come to Church, or ſhall declare to the Paſtor upon his Conſcience, that he believes his Sickneſs will prove mortal, earneſtly deſires to receive the holy Euchariſt in his Houſe, the Paſtor ſhall not deny him ſo great a Comfort: But after Notice given the Night before, and upon Condition there ſhall be three or four unexceptionable Perſons to communicate with him, and all Things decently prepared, the Miniſter ſhall give him the holy Sacrament according to the Order preſcribed.*

THIRDLY, *The Miniſter ſhall frequently admoniſh the People, not to defer the Baptiſm of Infants beyond the next Sunday after their Birth, unleſs the Reaſon for deferring the Sacrament is approv'd by him: The Miniſters are likewiſe to precaution the People againſt baptizing their Children at Home, ex-*

cepting in Caſes of apparent Neceſſity: But when this happens, the Paſtor ſhall baptize the Child in the cuſtomary Form, and ſignifie what has been done the next Lord's Day to the Congregation.

FOURTHLY, *Since Confirmation is moſt neceſſary for the Education of Youth, and may be brought back to primitive Practice, 'tis ordained that the Miniſter in every Pariſh ſhall catechiſe all Children of eight Years old; and when they are inſtructed to repeat the Lord's Prayer, the Creed and ten Commandments, with the Anſwers to the Queſtions contained in the ſmall Catechiſm, that then the reſpective Biſhops ſhall order the Children to be brought to them, and give them their Bleſſing, with a Prayer for Increaſe of Grace and Knowledge.*

FIFTHLY, *In Regard the ineſtimable Benefits convey'd to Mankind, by the Birth of our bleſſed Saviour, by his Paſſion, Reſurrection, Aſcenſion, and by the Deſcent of the Holy Ghoſt, were commendably commemorated at ſtated Times by the univerſal Church; 'tis therefore agreed by the Aſſembly, that theſe anniverſary Feſtivals ſhall be kept for the Future; and that upon ſuch Days all Miniſters ſhall chuſe their Text, and manage their Diſcourſe ſuitably to the Occaſion.*

THE Articles thus ſettled, Order was given to read them in all Pariſh Churches; the Miniſters were likewiſe oblig'd to preach upon the Lawfulneſs of them, and exhort their People to Submiſſion. And to give them the greater Authority, the King ordered them to be publiſhed at the Market Croſs of the principal Burroughs, and commanded Conformity, under Pain of his Diſpleaſure. But all this not being enough to enforce ſuch a Conformity to the Ceremonies as was expected, it was thought further neceſſary to eſtabliſh them by the Sanction of an Act of Parliament, and to give them the Force of a Law: This was done accordingly in the Year, 1621 (*a*), the Marquis of *Hamilton* being his Majeſty's Commiſſioner, who in a Speech then aſſured the Parliament, *That his Majeſty ſhould not in his Days preſs any more Change or Alteration in Matters of that Kind, without their Conſent*: Altho' the Earl of *Clarendon* ſays, that King *James* ſtill retained the Reſolution and the Purpoſe to introduce a Liturgy into this Church to his Death (*b*), but his two or three laſt Years having been leſs pleaſant to him, by being embroil'd in a War with the Houſe of *Auſtria*, and the Jealouſies which about that Time began in *England*, he thought it neceſſary to ſuſpend any Proſecution of that Deſign, until a more favourable Juncture, which he liv'd not to ſee.

HIS Son King *Charles*, who inherited his Father's Zeal for the Church of *England*, propos'd nothing more to himſelf, than to unite his three Kingdoms in one Form of God's Worſhip and publick Devotions; but being equally embaraſs'd at his Acceſſion to the Throne, was for the firſt four Years in no Condition to revive the Undertaking: But after the Peace with *France*, being ſomewhat more at Liberty, he reminded the *Scots* Biſhops of his Father's Reſolution, and ordered them to ſolicite this Affair with the outmoſt Application (*c*). Upon this they diſpatched Dr. *John Maxwel*, then one of the Miniſters of *Edinburgh*, to the *Engliſh* Court; the Dr. applying to Biſhop *Laud*, then Biſhop of *London*, after ſeveral Conferences held on the Subject, received the following Anſwer *That if his Majeſty would have a Liturgy ſettled in* Scotland, *different from what they had already, 'twas beſt to take the* Engliſh *Liturgy without any Variation from it; ſo that the ſame Service Book might paſs through all his Majeſty's Dominions (d).* To this Dr. *Maxwel* reply'd, *That the* Scots *would be better pleaſed to have a Liturgy of their own, but ſuch an One as ſhould come near the* Engliſh *both in Matter and Form.*

(*a*) Acts of Parliament. (*b*) Clarendon's Hiſtory of the Rebellion in *England*. (*c*) The learned Mr. Collier in his Eccleſiaſtical Hiſtory, page 755, likewiſe the Supplement I have by me to Archbiſhop Spotiſwood's Church Hiſtory M. S. (*d*) Ibidem.

Form. In ſhort, the Matter was brought before the King, who having conſidered the Arguments of both Parties, declared for the *Engliſh Book.* The main Reaſon urged by the *Scots* Biſhops was, *That a Liturgy made by themſelves, and in ſome Things different from the* Engliſh *Service, would be moſt acceptable to their Countrymen, whom they found very jealous of the leaſt Dependance on the Church of* England. And thus the Matter reſted till the Year 1633, that his Majeſty made a Progreſs into *Scotland*, to be crown'd in his antient native Kingdom, which he had never ſeen ſince the Time he firſt left it, when he was little above two Years old. And beſides the Solemnity of a Coronation, it was believ'd he carried with him the Reſolution to ſettle the Liturgy, and to finiſh that important Buſineſs in the Church at the ſame Time *(a)*. 'Tis not my Province to enlarge here upon the extraordinary Pomp and Magnificence of his Majeſty's Coronation, which paſs'd with the outmoſt State, I ſhall only obſerve, that the Archbiſhop of St. *Andrews*, Dr. *Spotiſwood*, ſet the Crown upon the King's Head, and performed the chief Ceremonies, and Biſhop *Lindſay* preach'd the Sermon in the Abbay Church of *Holy-roodhouſe*, upon theſe Words, *And all the People ſaid, God ſave King* Solomon.

THE *Sunday* after the Coronation, the then Biſhop of *London*, Dr. *Laud*, who had attended on his Majeſty in his Journey to *Scotland*, preached in the *Abbay* Church before the King, and principally inſiſted upon the Benefit of Conformity, and the Reverence due to the Ceremonies of the Church, *with all the Marks of Approbation and Applauſe imaginable*, ſays the Lord *Clarendon*. This might readily enough induce him, who was no leſs ſolicitous than the King himſelf, to accompliſh the Conformity in both Kingdoms, to deſire a Conference with the *Scots* Biſhops, and others of the Clergy, who were thought beſt affected to the Deſign in View. At this Meeting, we are told Dr. *Laud* complained of the Nakedneſs of the Form of the *Scots* Worſhip in ſeveral Reſpects, but chiefly for the Want of a *Liturgy* and certain *Canons*, which he conceived would ſupply all Defects. Archbiſhop *Spotiſwood* and the old Biſhops replied, 'That in King *James*'s 'Time there had been a Motion made 'for a *Liturgy*; but that the forming 'it was deferred, in regard the *Ar*-'*ticles of Perth* then introduced prov-'ed ſo unwelcome to the People, that 'they thought it not ſafe nor fit at that 'Time to venture upon further *Inno*-'*vations*; and they were ſtill under ſome 'Apprehenſions, that if it ſhould be 'now attempted, the Conſequence of it 'might prove very diſmal.' But Dr. *Maxwel*, formerly mentioned, now Biſhop of *Roſs*, Dr. *Lindſay* Biſhop of *Edinburgh*, Biſhop *Sydſerf* of *Brechen*, and Dr. *Wedderburn* of *Dunblain* *(b)*, and ſome others, preſſed that it might be undertaken, declaring there was no Kind of Danger in the Attempt: Whereupon Biſhop *Laud* immediately moved the King to declare it to be his Will, that there ſhould be a *Liturgy* in the Church of *Scotland*. His Majeſty had been appriſed of the Matter before, and had been inclinable, with Biſhop *Laud*, to have the very ſame *Liturgy* with the Church of *England*: But the old Biſhops, who knew more of the Humour and Averſion of, the Generality of, the Kingdom that Way than Biſhop *Laud* did, uſed all their Credit to divert the preſent attempting it, and applied all their Counſels ſecretly to have the Matter more maturely conſidered; for though they did very well approve of the Ceremonies of the Church of *England*, and deſired, if it might be done with Safety, to ſubmit to, and practiſe the ſame here, had no Mind that the very *Liturgy* of the Church of *England* ſhould be propoſed to, or accepted by them, for which, as the Lord *Clarendon* informs us, they offered two prudential Reaſons.

THE firſt was, *That the* Engliſh

(a) Clarendon's Hiſtory. (b) Supplement to Archbiſhop Spotiſwood's Church Hiſtory M. S. in my Hands.

Liturgy, *how piouſly and wiſely ſoever fram'd and inſtituted, had found great Oppoſition*; *and tho'*, ſays he, *the Matter of the Ceremonies had wrought for the moſt Part upon weak Men, whoſe Satisfaction was not to be laboured for*; *yet there were many grave and learned Men who excepted againſt ſome Particulars, which would not be ſo eaſily anſwered: That the reading Pſalms, being of the old Tranſlation, were in many Particulars ſo different from the new and better Tranſlation, that many Inſtances might be given of Importance to the Senſe and Truth of Scripture.* They ſaid ſomewhat of the ſame Nature concerning the Tranſlation of the Epiſtles and Goſpels, and ſome Particulars of leſs Moment: And deſired, *That in forming a* Liturgy *for their Church, they might, by reforming theſe ſeveral Inſtances, give Satisfaction to good Men, who would thereupon be eaſily induced to ſubmit to it.*

The other Reaſon, which the noble Author thinks was the principal, and took this in the Way to give it the better Introduction, was, *That the Kingdom of* Scotland *generally had been long jealous, that by the King's continued Abſence from them, they ſhould by Degrees be reduced to be but as a Province to* England, *and ſubject to their Laws and Government, which they would never ſubmit to, nor would any Man of Honour, who loved the King beſt, and reſpected* England *moſt, ever conſent to bring that Diſhonour to his Country: If the very* Liturgy *in the Terms it is conſtituted and practiſed in* England *ſhould be offered to them, it would kindle and inflame that Jealouſie as the Prologue and Introduction to that Deſign, and as the firſt Range of that Ladder which ſhould ſerve to mount over all their Cuſtoms and Privileges, and be oppoſed and deteſted accordingly: Whereas if His Majeſty would give Order for the preparing of a* Liturgy *with thoſe few deſirable Alterations, it would eaſily be done, and in the mean Time they would ſo diſpoſe the Minds of the People for the Reception of it, that they ſhould even deſire it.* And this Expedient was ſo paſſionately and vehemently urged by moſt of the Biſhops themſelves, that though the King had exceedingly ſet his Heart upon the Matter, yet he was affected with what was offered for a little Delay in the Execution; and therefore the Objection, *That it would look like an Impoſition from* England, *if a Form ſettled in Parliament at* Weſtminſter *ſhould, without any Alteration, be tender'd (though by himſelf) to be ſubmitted to, and obſerved in* Scotland, made a deep Impreſſion in His Majeſty.

In a Word, upon the Opinion of the *Scots* Biſhops, it was agreed to frame and compoſe a new *Liturgy*, with ſome little Variations from the *Engliſh*, and alſo a Book of Canons to enforce that and other Eccleſiaſtical Matters; all which were to be tranſmitted into *England*, and examined and approved by the King, and three *Engliſh* Biſhops, Dr. *Laud* Archbiſhop of *Canterbury*, Dr. *Juxton* Biſhop of *London*, and Dr. *Wren*, who was by this Time become Biſhop of *Norwich*.

As ſoon as this Deſign came to be reported Abroad, the finiſhing it was not more wiſhed by the Epiſcopal Party, than by thoſe of the contrary Judgment, tho' upon very different Accounts; the former to ſhew their Readineſs to obey the King, and out of a Belief that it would turn to the Benefit of the Church: But the other more rationally concluded, that the Noiſe of it would ſtartle the whole Nation, and incite them to engage in a War for oppoſing it, which they thought might eaſily cauſe the Extermination of Epiſcopacy Root and Branch.

During the King's Stay in *Scotland*, when he found the Conjuncture not yet ripe for eſtabliſhing the Uniformity in this Church, *He reſolved to leave*, ſays a noble Author (*a*), *a Monument of his Love and Eſteem of it*; and therefore with

(*a*) The Earl of Clarendon in his Hiſtory of the civil War.

with the full Conſent and Approbation of the Archbiſhop of St. *Andrews*, He erected *Edinburgh* the Metropolis of the Kingdom into a Biſhoprick, aſſigned it a good and convenient Juriſdiction out of the neareſt Limits of the Dioceſs of St. *Andrews*, appointed the faireſt Church in the Town, St. *Giles*'s Church, to be the Cathedral, ſettled a competent Revenue upon the See, out of the Lands purchaſed by his Majeſty himſelf from the Duke of *Lennox* (*a*), and placed a very eminent Scholar, Dr. *Forbes*, to be the firſt Biſhop; hoping by this Means the better to prepare the People of the Place, who were the moſt numerous and richeſt of the Kingdom, to have a due Reverence to Epiſcopacy, and to diſpoſe them to receive the *Liturgy* when His Majeſty ſhould think it ſeaſonable to commend it to them. But this Application little contributed thereunto; the People generally thought they had too many Biſhops before, and ſo the increaſing the Number was not like to be very grateful to them: For the Biſhops of *Scotland*, as the Lord *Clarendon* obſerves, at this Time 'had in-'deed very little Intereſt in the Affecti-'ons of that Nation, and leſs Authority 'over it, and durſt not conteſt with 'the General Aſſembly in Matters of 'Juriſdiction; ſo that there was little 'more than the Name of Epiſcopacy 'preſerved in that Church. To redeem them from the Contempt, and to ſhew they ſhould be conſiderable in the State, how little Authority ſoever they were permitted to have in the Church, His Majeſty was pleaſed in the End of the Year 1634, upon the Death of the Earl of *Kinnoule*, to make Archbiſhop *Spotiſwood* Chancellor of the Kingdom, (*b*) the greateſt Office, and which had never been in the Hands of a Church-man ſince the Reformation of Religion, and ſuppreſſing the *Pope*'s Authority; and ſeven or eight other Biſhops of the Privy Council, which his Majeſty preſumed, by their Power in the civil Government, and in the Judicatories of the Kingdom, would render them ſo much the more reverenced, and the better enable them to ſettle the Affairs of the Church, which fell out otherwiſe; for this unſeaſonable Accumulation of Honours upon them, to which their Functions did not intitle them, as my Noble Author further remarks, expoſed them to the Envy of the whole Nobility, many whereof wiſhed them well as to their Eccleſiaſtical Qualifications, but could not endure to ſee them poſſeſſed of thoſe Offices and Employments, which they looked upon as naturally belonging to themſelves; and which did not only ſharpen the Edge of Envy and Malice againſt the Archbiſhop, the Lord Chancellor, but really indiſpoſed many toward the eſtabliſhed Church it ſelf, which they looked upon as the Gulph ready to ſwallow all the other great Offices: And then my Author adds, *The Number of the Biſhops was thought too great, ſo that they overballanced many Debates, and ſome of them by Want of Temper, or Want of Breeding, did not behave themſelves with that Decency in their Debates towards the greateſt Men of the Kingdom, as in Diſcretion they ought to have done, and as the others reaſonably expected from them.* So that inſtead of bringing any Advantage to the Church, or facilitating the Intentions of the King in ſettling and promoting of Epiſcopal Government, it produced a more general Prejudice to it, though for the preſent there appear'd no Sign of Diſcontent or ill Will to them, but an entire Acquieſcence in all the Biſhops thought fit to do, which ſome interpreted to proceed from a Converſion in their Judgment, at leaſt to a Submiſſion to Authority: Whereas a learned and celebrated Author (*c*) takes Notice, *It appeared afterward to be from the Obſervation they made of the Temper and Indiſcretion of thoſe*

(*a*) A Part of the Lands formerly belonging to the Priory of St. Andrews. (*b*) Original Commiſſion under both the Seals, in the cuſtomary Forms, conſtituting and creating the Archbiſhop of St. Andrews Lord High Chancellor of Scotland during Life, the 14. of January 1635, in the Cuſtody of Mr. John Spotiſwood of That-ilk Advocate, the Archbiſhop's Great-grand-ſon. (*c*) The Lord Clarendon.

Biſhops in the greateſt Authority, that they were like to have more Advantages adminiſtred to them by their ill Managery, than they could raiſe by any Contrivance of their own.

IT was now two Years, or very near ſo much, before the Biſhops in *Scotland* had prepared any Thing to offer to the King, towards their intended Uniformity with the Church of *England*, and even then they inverted the proper Method, as was thought, and firſt preſented a Body of Canons to preceed the *Liturgy*, which was not yet ready, they chooſing, it would ſeem, to finiſh the ſhorter Work firſt. The King referred the Conſideration of the Canons to the Archbiſhop of *Canterbury*, and the other two Biſhops formerly named, the Biſhop of *London*, and the Biſhop of *Norwich*, who, after the peruſal of them, and ſome Alterations made with the Conſent of the *Scots* Biſhops, returned them to the King; and His Majeſty, impatient to ſee the Work entred upon without any other Ceremony, iſſued out His Proclamation for the due Obſervation of them within His Kingdom of *Scotland*. The Reaſons His Majeſty is pleaſed to give in His large Declaration for ſetting them forth, are theſe,

Firſt, 'He thought it neceſſary ſome 'Book compriſing the Rules of Eccleſiaſtical Government ſhould be publiſhed, that by this Means there 'might be a fixed Meaſure for ſtating 'the Power of the Clergy, and the Practice of the Laity. *Secondly*, That 'the Acts of their Aſſemblies being only in Manuſcript, could not 'reach the Generality: Beſides theſe 'Records were ſo bulky and voluminous, that the tranſcribing them was 'almoſt impracticable: And thus few 'even of the Presbyters could pronounce 'upon the Authority of the Copies, and 'diſtinguiſh between genuine and interpolated Paſſages: Beſides the removing them from one Cuſtody to 'another, and lodging them ſo uncertainly, they ſcarcely know where to 'apply to for Information. *Thirdly*, 'That by reducing theſe Regulations to a leſſer Compaſs, and laying them open to publick View, 'no Body could miſcarry through Ignorance, or complain of being overcharged. And *laſtly*, That not one in 'the Kingdom governed His Practice 'by the Acts of thoſe *General Aſſemblies*.

IT was thought a fatal Inadvertancy that theſe Canons, neither before nor after they were ſent to the King, had been ever ſeen by the Aſſembly, or any Convocation of the Clergy, which was ſo ſtrictly obliged to the Obſervation of them, nor ſo much as communicated to the Lords of the Privy Council, *It being almoſt impoſſible*, ſays the Earl of *Clarendon*, *that any new Diſcipline could be introduced into the Church, which would not much concern the Government of the State, and even trench upon, or refer to the Municipal Laws of the Kingdom.* And in this Conſideration the Archbiſhop of *Canterbury* had always declared to the Biſhops of *Scotland*, That it was their Part, to be ſure that nothing they ſhould propoſe to the King in the Buſineſs of the Church ſhould be contrary to the Laws of the Land, which He could not be thought to underſtand; and that they ſhould never put any Thing in Execution without the Conſent and Approbation of the Privy Council. But it was the unhappy Craft of the young Biſhops, who had been preferred by Dr. *Laud*'s Intereſt, to get it believed by the King, that the Work would be grateful to the moſt conſiderable of the Nobility, the Clergy and the People, which they could hardly believe, in Order to the obtaining His Majeſty's Approbation and Authority for the Execution of that, which they did really believe would not find Oppoſition from the Nobility, Clergy or People againſt His Majeſty's expreſs Power and Will, which without Doubt was then in great Veneration in the Kingdom: 'But, as the 'Lord *Clarendon* well obſerves, the 'Truth was, they durſt not ſubmit 'thoſe Canons to any other Examination than what the King ſhould 'direct in *England*.

IT

It was in the next Place as ſtrange, that Canons ſhould be publiſhed before the *Liturgy* was prepared (which was not ready in a Year after, or thereabouts,) when three or four of the Canons were principally for the Obſervation of, and punctual Compliance with the *Liturgy* (*a*), which all the Clergy were to be ſworn to ſubmit to, and to pay all Obedience to what was injoined by it, before they knew what it contained: Whereas, if the *Liturgy* had been firſt publiſhed with all due Circumſtances, it is poſſible that it might have found a better Reception, and the Canons have been leſs examined.

The Canons now publiſhed, beſides, as hath been touched before, that they had paſſed no Approbation of the Clergy, or been communicated to the Council, appeared to be ſo many new Laws impoſed upon the whole Kingdom by the King's ſole Authority, and contrived by a few private Men, of whom they had no good Opinion, and who were Strangers to the Nation; ſo that it was thought no other than a Subjection to *England*, by receiving Laws from thence, of which they were moſt jealous, and which they moſt paſſionately abhored. Then they were ſo far from being confined to the Church, and the Matters of Religion, that they believed there was no Part of the civil Government uninvaded by them, and no Perſon of what Quality ſoever unconcerned and, as they thought, unhurt in them. And the Earl of *Clarendon* acknowledges, *There were ſome Things in ſome particular Canons, how diſtant ſoever in themſelves from inclining to Popery, which yet gave too much Advantage to thoſe, who maliciouſly watched the Occaſion to perſwade weak Men, that it was an Approach and Introduction to that Religion*, the very Imagination whereof intoxicated all Men, and deprived them of all Faculties to examine and judge.

Some of the ſaid Canons defin'd and determined, *ſuch an unlimited Power and Prerogative to be in the King, according to the Pattern (in expreſs Terms) of the Kings of* Iſrael, *and ſuch a full Supremacy in all Caſes Eccleſiaſtical, as had never been pretended to by our former Kings, or ſubmitted to by the Clergy and Laity of the Nation*, which made Impreſſion upon Men of all Tempers, Humours and Inclinations: *And that no Eccleſiaſtical Perſons ſhould become Surety or Bound for any Man; That National or General Aſſemblies ſhould be called only by the King's Authority, that all Biſhops and other Eccleſiaſtical Perſons, who die without Children, ſhould be obliged to give a good Part of their Eſtates to the Church; and tho' they ſhould have Children, yet to leave ſomewhat to the Church, and for Advancement of Learning*: Which ſeem'd rather to be Matter of State and Policy, than of Religion; thwarted the Laws and Cuſtoms, and leſſened, if not took away, the Credit of Church-men, and prohibited them from that Liberty of Commerce in civil Affairs which the Laws permited to them. *That none ſhould receive the Sacrament but upon their Knees; That the Clergy ſhould have no private Meetings for expounding Scripture, or for conſulting upon Matters Eccleſiaſtical; That no Man ſhould cover his Head in the Time of Divine Service; and that no Clergy-man ſhould conceive Prayers extempore, but be bound to pray only by the Form preſcribed in the Liturgy*: Which, by the Way, was not ſeen nor framed. *And that no Man ſhould teach a publick School, or in a private Houſe without a Licence firſt obtained from the Archbiſhop of the Province, or the Biſhop of the Dioceſs.* And then *to apply the old Terms of the Church, to mention the* quatuor tempora, *and reſtrain all Ordinations to theſe four Seaſons of the Year, to enjoyn a Font to be prepared in every Church for Baptiſm, and a decent Table for the Communion, and to direct and appoint the Places where both Font and Table ſhould ſtand, and decent Ornaments for either; to reſtrain any Excommunication from being pronounced, or Abſolution from being given, without the Approbation of the Biſhop*; to mention

(*a*) Clarendon. And the Canons themſelves printed at Aberdeen in 1636.

any Practice of Confeſſion, and to enjoin, *That no Presbyter ſhould reveal any Thing he ſhould receive in Confeſſion, except in ſuch Caſes, where by the Law of the Land, his own Life ſhould be forfeited*; were all ſuch Matters of Innovation, and in their Nature ſo ſuſpicious, that they thought they had Reaſon to be jealous of the worſt that could follow. And the laſt Canon of all provided, *That no Perſon ſhould be received into holy Orders, or ſuffered to Preach or Adminiſter the Sacraments without firſt ſubſcribing to thoſe Canons.*

BUT the Liturgy became ſtill more formidable to the People, and while they were conſidering how to put it in Practice, there aroſe a mighty Clamour againſt the Biſhops, *That Religion was undermined by a Conſpiracy between the Archbiſhop of* Canterbury *and them, and that they being ſuborned by his Intereſt, were bringing in the Maſs-Book (a).* This being ſuddenly ſpread throughout the Land, wrought ſo powerfully upon the Vulgar, that all Men concluded there was no Way to avoid a publick Rupture, but by ſuppreſſing the Book. And indeed the old Archbiſhop the Lord Chancellor, and the wiſeſt of his Brethren, calmly conſidered of it, and wrote to Archbiſhop *Laud*, 'To prevail upon the King to have 'the Book kept back till the Nation 'was better prepared to receive it,' which poſſibly might have taken Effect, if the *Scots* Biſhops had been Unanimous in the Matter *(b)*. For thoſe who had been preferred in this Reign, being generally warm, and wanting the Experience of the elder Sort, went not along with them, but join'd with the Lord Treaſurer, the Earl of *Traquier*, whoſe declared Opinion was, *That the Work ſhould proceed.* The Lord *Clarendon* thinks very favourably of this unfortunate Stateſman; but Biſhop *Guthry*, Dr. *Helyn* and others, repreſent him as Treacherous and Ungrateful. The Former gives us a particular Account, That deſigning to deſtroy Epiſcopacy, he got ſome Letters under the Hands of the younger Biſhops to promote the new Liturgy, and with them poſted to the *Engliſh* Court, and the Archbiſhop of *Canterbury*, to whom he ſuggeſted, *That there was no Danger to be apprehended*, only the old Biſhops were timerous Men, and fear'd where there was no Cauſe of Fear; in Proof of which, if his Grace would move the King to lay his Commands upon him, *upon his Life he would carry through the Buſineſs without any Diſturbance.*

THE Archbiſhop being ignorant of the Treaſurer's Deſigns, eſpecially when he brought Letters from his chief Correſpondents, was ſo affected with theſe Promiſes, that tho' he thought a Work of that Nature improper to be committed to a Layman, yet he procured to himſelf a Warrant from the King, to command the Biſhops, upon all Hazards, to proceed in the Work, withal threatning them, 'That if they delay'd any 'longer, His Majeſty would remove 'them from their Places, and fill them 'with vigorous and couragious Men, 'who would not be afraid to do him 'Service.

THE Biſhops having received this peremptory Command at the Earl's Return, were not equally affected with it. The younger Sort were tranſported with Joy, and eſteemed the Treaſurer as their ſureſt Friend, who had obtained the main Thing they deſir'd: But the wiſe old Biſhops were of another Opinion, and reflected much upon the Conſequence; however they had no way left them, but to proceed or to ſuffer. And now being greatly encouraged by the Treaſurer's ample Promiſes of Aſſiſtance, and ſharing in their Fortune, they went on with Aſſurance, as if there had been no Danger. And it is very remarkable, that hereafter they generally acted ſo much contrary to thoſe Rules of Prudence and Policy, by which they uſually managed their Affairs, that all Men began to diſcover a Fatality in it. For they did not endeavour, as they formerly had done in inferior Matters, to have their Book brought in by an Eccleſiaſtical Sanction, but having procured it to be au-

(a) Hiſtory of England, by Mr. Echard. (b) Biſhop Guthrey's Memoirs.

authorized by an Act of Council, they immediately proceeded to urge the Practice of it, by which they highly provoked the greateſt Part of thoſe very Miniſters that were Epiſcopal in their Judgments, who thought it a very diſmal Thing, *That a Liturgy ſhould be impoſed upon the Church, without the Knowledge and Conſent of the Church, and judged it ſuch a dangerous Preparative, that by this Means, the civil Power might afterward introduce any Thing, tho' never ſo injurious to Religion, and the Church never get one Voice in it (a).* And they were the more ſenſibly offended, in Regard King *James* himſelf had never preſs'd any Thing that Way; but whatſoever he would have done in ſuch Affairs, he always took *a Church Way*, as it was call'd, to bring it to Effect: Nor did they firſt urge the Practice of this Liturgy in the remoteſt Dioceſſes, and ſuch Places where there was leaſt Averſion to the Change, but they determined to make the firſt Tryal where they were moſt like to meet with the greateſt Oppoſition.

THUS they fixed upon *Edinburgh* for the Place, and *Eaſter* this preſent Year 1637 for the Time; but the Lord Treaſurer, who was the only Counſellor or Layman relied upon by the Archbiſhop of *Canterbury* in that Buſineſs, perſwaded the King to defer it till *July* that Preparation might be made for the more cheerful Reception of it *(b)*: Others believed that this was to give the oppoſite Party more Time to unite and confederate againſt it (*c*). However, 'tis certain they found ſufficient Opportunity to defeat the Deſign, and in *April* they ſent Two eminent Men, and the Heads of the Presbyterian Party to *Edinburgh*, Mr. *Alexander Henderſon* Miniſter of *Leuchars* out of *Fife*, and Mr. *David Dick* Miniſter at *Irvine* out of the Weſt Country, to conſult with their Friends, and carry on their Cauſe after the moſt ſecret and effectual Manner. The two Brethren, I ſay, coming privately to *Edinburgh*, communicated the Minds of thoſe that ſent them to the Lord *Balmerino*, Sir *Thomas Hope* and others; and theſe afterward meeting with ſeveral zealous Matrons of ſome Note, it was recommended to them, that they and their female Adherents ſhould give the firſt Affront to the Book when read, aſſuring them that the Men ſhould afterward take the Buſineſs out of their Hands. This being reſolved upon, Mr. *Henderſon* privately returned to *Fife*, and Mr. *Dick* retired to the Weſt, both waiting for the great Iſſue when the Liturgy ſhould be firſt uſed, which was to be upon *Sunday* the 23d Day of *July*.

ON the Sunday Morning appointed for the Work, the Archbiſhop of St. *Andrews* the Chancellor, and diverſe other Biſhops, the Lords of the Council and Seſſion, the Magiſtrates of the City, and a great Auditory of all Sorts of People, being preſent in the Cathedral Church at *Edinburgh*, called St. *Giles*; no ſooner had the Dean of *Edinburgh* appeared in his Surplice and began to read the Liturgy, but a Multitude of the meaner Sort, moſt of them Women, with clapping of Hands, Clamours and Outcries, raiſed a hideous Noiſe and Confuſion in the Church, that no Words could be heard diſtinctly, and then a a Shower of Stones, and Sticks and Cudgels, were thrown at the Dean's Head. The Biſhop of the Place, Dr. *Lindſay*, who was to preach that Day, ſtept into the Pulpit hoping to appeaſe the Tumult, by minding them of the Sacredneſs of the Place, and of their Duty to God and the King; but they were the more enraged, and one *Janet Geddes* an old Woman, ſays my Author, uſhered in the future War, by throwing a Stool at his Head, which might have endangered his Life: Upon this the Archbiſhop of St. *Andrews* the Lord Chancellor, from his Seat was obliged to call down from the Gallery the Provoſt and Magiſtrates of the City, by their Authority to ſuppreſs the Riot; which at laſt with great Difficulty

(*a*) The Biſhop of Dunkeld's Memoirs, page 19. (*b*) Clarendon's Hiſtory of the Rebellion and civil War in England. (*c*) Supplement to Archbiſhop Spotiſwood's Hiſtory, M. S.

culty they did, by thrusting the most unruly of those who made the Disturbance out of the Church, and shutting the Doors. After which the Dean proceeded in the Service, but still was greatly disturbed by the loud Clamours of the Multitude without, who pelted the Doors and Windows with Sticks and Stones, and cry'd out *A Pape! A Pape! Antichrist! pull him down! stane him!* with all the Marks of ungovernable Fury. Notwithstanding the Service was ended, but not the Peoples Rage, for when the Bishops went out of the Church, the Rabble followed them with all the opprobrious Language they could invent, *Of bringing in Superstition and Popery into the Kingdom, and making the People Slaves* (*a*); and were not content to use their Tongues, but employed their Hands too, in throwing Dirt and Stones at them, and treated Dr. *Lindsay* the Bishop of *Edinburgh*, whom they took'd upon as most active that Way, so rudely, that he got into a House after they had torn his Habit, and was from thence removed to his own with great Hazard of his Life. As this was the Reception it had in the Cathedral, so it fared not better in the other Churches of the City, but was entertained with the same Clamouring and Outcries, and threatning the Men, whose Office it was to read it, with the same Execrations against *Bishops and Popery*.

HITHERTO no Person of Note or Distinction appeared or seem'd to countenance this prodigious Tumult; it was the Rabble, of which no Body was named, only the zealous Churchmen extoll'd it in their Pulpits, and magnified the Actors *for the most heroical Spirits that ever God inspired, and raised in this last Age of the World, and for the happy Mouths and Hands which God had honoured with the Beginning of such a blessed Work.*

THE Bishops it seems thought it not of Moment enough to desire or require any Help or Protection from the Council, but without conferring with them, or applying themselves to them, they dispatch'd away an Express to the King, with a full and particular Account of all that had passed, and a Petition that His Majesty would take what Course he thought best for the carrying on his Service. After which they run into a worse Error, as has been generally thought, in leaving *Edinburgh* the Metropolis to it self, and retiring all of them almost to their own Dioceses, to the great strengthening of the adverse Party. But in this they might naturally think themselves unsecure, since neither the Lords of the Council, nor the Magistrates of the City took any Care for the apprehending and punishing the Ring-leaders of so dangerous a Tumult: And wise Men have Thought, that if two or three the most Notorious among them had suffered Death, or been examplarily punished, it might have possibly saved all the succeeding Torrent of Blood that overflowed the three Kingdoms. All that the Magistrates did, was the the calling in of a Pamphlet, intituled, *A Dispute against the* English *Popish Ceremonies obtruded on the Kirk of* Scotland. The Conduct of the Court, as well as the Management of the Bishops, has been much censur'd at this Time, for even after the Advertisement of this Preamble to Rebellion, as the Lord *Clarendon* observes, no Mention was made of it at the Council Board, but such a Dispatch made unto *Scotland* upon it, as express'd the King's Dislike and Displeasure, and obliged the Lords of the Council there, to appear more vigorously in the Vindication of his Authority, and Suppression of those Tumults. But all was too little, the People, after they had once begun, pursued the Business vigorously; and tho' in the Hubbub of the first Day, there appeared, as has been said, no Body of Name or Reckoning, yet they discovered, by the Countenance of that Day, that few Men of Rank were forward to engage themselves in the Quarrel on the behalf

(*a*) Supplement to Archbishop Spotiswood's Church History. M. S. penes me.

half of the Biſhops; whereupon more conſiderable Perſons every Day appeared againſt them, and the Women and Ladies of the beſt Quality declared themſelves of the Party, and with all the Reproaches imaginable made War upon the Biſhops, as Introducers of Popery and Superſtition, againſt which they owned themſelves irreconcileable Enemies; and their Husbands did not long defer the owning the ſame Spirit, inſomuch as within few Days, the Biſhops durſt not appear in the Streets, nor in any Courts, but were in Danger of their Lives, and ſuch of the Lords as durſt be in their Company, or ſeemed to deſire to reſcue them from Violence, had their Coaches torn in Pieces, and their Perſons aſſaulted (*a*); ſo that by the Time new Orders came from *England*, there was ſcarce a Biſhop left in *Edinburgh*, and not a Miniſter who durſt read the Liturgy in any Church.

In the mean Time Mr. *Henderſon* and Mr. *Dick*, the two chief Heads of the Kirk Party, carried on their Cauſe with great Diligence and Secrecy, to whom were joined Four other Miniſters of greateſt Note, Mr. *Cant*, Mr. *Ramſay*, Mr. *Rollock* and Mr. *Murray*; all which were encouraged by ſeveral great Men, as the Earls of *Rothes*, *Lothian*, *Caſſils*, *Eglington* and *Hume*, the Lords *Lindſay*, *Loudon*, *Lorn*, afterward the famous Marquis of *Argyle*, *Teſter*, *Balmerino*, &c. Mr. *Henderſon* and Mr. *Dick* delivered a Petition to the Lords of the Council againſt the Service Book, which found an Acceptance at the Board, greater than the Biſhops expected. This was followed with another Petition from the above-named Lords and others, who obtained a Promiſe from the Council, that they ſhould receive an Anſwer from the King by the Seventeenth Day of *October*.

Upon the appointed Day (when the Harveſt was over) there appeared a mighty Conflux of all Sorts of People, who flock'd to *Edinburgh*, as in a general Cauſe that concerned their Salvation, to join in petitioning, which was ſo general, that beſide the Increaſe of many Noblemen, there were few or no Shires on the South of the *Grampian*-Hills, that ſent not Gentlemen, Miniſters and Commons; yet ſtill, if His Majeſty's Anſwer, which the Council received, had tended to the diſcharging the Service Book, as was hoped and expected by all peaceable Men, it is believed the greateſt Part had returned ſatisfied, and the reſt would have met with an inſignificant Support: But inſtead of this, three Proclamations were read to them at the Market Croſs of *Edinburgh*; *The firſt appointing no Church Buſineſs to be at preſent treated of at the Council Table*: *The ſecond for removing the Council and Seſſion to* Linlithgow, *and ſo to* Stirling. *And the third for burning the fore-mentioned Pamphlet againſt the* Engliſh *Ceremonies* (*b*).

But theſe ſerved rather like the pouring on of Oil to encreaſe the Flame, than of Water to extinguiſh it; for the next Morning the Women in a great Rage aſſembled to upwards of Two hundred, and made their firſt Attempt upon the Biſhop of *Galloway*, Dr. *Sydſerf*, who going to the Council-Houſe, was purſued along the Streets with bitter Railings to the very Door, where being drawn in from the Fury of the Multitude, they immediately beſet the Houſe, demanding the Delivery of him, and threatning his Deſtruction. The Earl of *Traquair* the Treaſurer being informed of the Danger of the Biſhop, who had formerly been his Tutor, came to his Relief, and with great Difficulty forced an Entrance through the Preſs, but ſoon found himſelf in as ill a Condition as the Biſhop; the Noiſe and Multitude increaſing with terrible Out-cries, *God defend thoſe that defend God's Cauſe*; *God confound the Service Book, and all the Maintainers of it* (*c*). Hereupon the Provoſt and City Council were called to their Relief, but they returned Anſwer, *That their Condition was*

(*a*) Clarendon. (*b*) Biſhop Guthery. (*c*) Ruſhworth's Collections Page 405.

the ſame; for they were ſurrounded with the like Multitude, who by threatning them with Deſtruction, at Length forced them to ſign a Paper importing, That they would adhere to them in Oppoſition to the Service Book; and that they would reſtore to their Places Mr. *Ramſay* and Mr. *Rollock*, two of the Miniſters of the Town, who had been ſilenced for refuſing to read it.

No better Anſwer being returned, the Lord Treaſurer with the Earl of *Wigtoun* ventured in Perſon to the Town-houſe, where they found the Heat of the Fury ſomewhat abated, becauſe the Magiſtrates had ſigned the Paper, and returned with ſome Hopes that they would now calm the Diſorders about the Council-houſe, ſo as to preſerve the Biſhop. But they no ſooner preſented themſelves upon the High-Street, but they were moſt rudely aſſaulted; the Throng being ſo outragious, as they pulled down the Lord Treaſurer, took his Hat, Cloak, and white Staff from him, and ſo haul'd him to the Council-houſe. The Lords finding ſuch imminent Danger, fixed upon the beſt Expedient for their Safety, and deſired the Aſſiſtance of ſome of the Nobility and Gentry as were diſaffected to the Service Book. They ſoon obtained the Favour of thoſe Lords and Gentlemen, who came and offered their Perſons and Power to protect them, by which Means they were quietly guarded to the Palace of *Holy-rood-Houſe*, and the Biſhop to his Lodgings.

THIS Advantage gain'd at *Edinburgh* had a powerful Influence upon the reſt of the Boroughs in the Kingdom; and notwithſtanding the Proclamation commanding the Petitioners to leave *Edinburgh*, they ſtill remained in the Town. In Concluſion, Mr. *Henderſon* brought a Propoſition to the Miniſters, *That whereas they had formerly petitioned to be freed from the Service Book*, &c. *they might now take in the Biſhops alſo, complaining of them as Underminers of Religion, and crave Juſtice to be done upon them!* But to this many of the Miniſters were averſe, profeſſing, *That they came there only to be freed from the Service Book, and otherwiſe had no Quarrel with the Biſhops.* Which being reported to the diſaffected Noblemen, they ſent the Earl of *Rothes*, and the Lord *Loudon*, who, with long Speeches mixt with Threats and Promiſes (*b*), ſo prevailed upon the Miniſters, that the Petition againſt the Biſhops being ready prepared, was inſtantly ſubſcribed by them all, and delivered to the Clerk of the Council: Copies were alſo given to them to be carried Home to their ſeveral Presbyteries and Pariſhes to be ſubſcribed by all Ranks, and returned againſt the next Council Day, which was to be the 15th Day of *November*.

THIS being finiſhed, the Miniſters were diſmiſſed for that Time, and returning Home behaved themſelves *ſo zealouſly in their Pulpits*, that upon the fore-named Day, Multitudes of all Sorts, and from all Quarters, repaired to *Edinburgh* with their Petitions in greater Numbers than before. This produced a new Proclamation from the King, in which He let them know, *How unwilling He was that His loyal Subjects ſhould be poſſeſſed with groundleſs Fears touching their Religion: That as he abhorred all Superſtitions of Popery, ſo He would be moſt careful that nothing ſhould be allowed within his Dominions, but that which ſhould moſt tend towards the Advancement of the true Religion, as it is now profeſs'd within His ancient Kingdom of* Scotland, *and that nothing was or ſhould be done therein againſt the laudable Laws of that His native Kingdom.* This Proclamation had not the intended Effect, but inſtead of a Submiſſion, ſuch as the King expected, a new Petition was framed, not by the rude Multitude, but by *Noblemen, Barons, Miniſters, Burgeſſes and Commons, againſt the Liturgy and Canons*; whereupon the Lords of the Council ſent the Lord Treaſurer to the King, to repreſent to

(*a*) Ruſhworth's Collections, Page 405. (*b*) Biſhop Guthery's Memoirs Page 26.

to His Majeſty the diſordered Affairs of the Kingdom.

UPON this ſad Proſpect of an impending Storm, the King ſent firſt the Earl of *Roxburgh*, Lord Privy-Seal, and after that iſſued out another Proclamation, in which He let them know the Piety of his Intentions in appointing the *Liturgy*; *And that he had no other End in it than the Maintenance of the true Religion there already profeſſed, and the bearing down of all Superſtition*, &c. *That ſuch as had aſſembled for ſubſcribing the late Petitions had made themſelves liable to the higheſt Cenſures, both in Life and Fortune; notwithſtanding he was pleaſed to diſpenſe with the Error, as proceeding from a prepoſterous Zeal not contrary to Soveriegnity, on Condition they retired themſelves as good and dutiful Subjects. He therefore interdicted the like Concourſe that had been made in* Edinburgh, *commanding that none of them ſhould repair to* Stirling, *to which the Term was adjourned, without Warrant from the Lords of the Council; and that all ſuch Strangers ſhould, within ſix Hours Notice, depart the Town, under Pain of Treaſon.* Finally, *That He would not ſhut His Ears againſt any Petition upon that or any other Subject, provided the Matter and Form of it be not prejudicial to His Royal Authority.*

THE Publication of this Proclamation proved like a Cannon only charged with Powder, producing a great Noiſe, and no Execution *(a)*; for immediately after the reading of it at *Stirling*, it was ſharply encountered with a Proteſtation publiſhed by the Earl of *Hume*, and the Lord *Lindſay*, and many other Barons, Miniſters and Burgeſſes, juſtifying themſelves in their Proceedings, and inſiſting upon ſix Particulars. 1. That they might have Recourſe to their ſacred Sovereign to preſent their Grievances. 2. That the Archbiſhops and Biſhops, Parties complained on, ſhould not be allowed as lawful Judges to ſit in any Judicatories upon any of the Supplicants. 3. That no Act of Proclamation paſſed in the Preſence of the Archbiſhops and Biſhops, ſhall be anywiſe prejudicial to them. 4. That none of them ſhall incur any Danger in Life or Lands, for not obſerving Acts, Books, Canons, *&c.* introduced without General Aſſemblies, or Acts of Parliament. 5. That the Inconveniencies ariſing from preſſing the *Innovations* ſhould not be imputed to them, who ſought only for *Reformation*. 6. That their Requeſts proceeding from Conſcience, and a due Reſpect to His Majeſty's Honour, tended only for Relief of their preſſing Grievances. Before Mid-night the whole Town was filled with armed Men, from all Quarters of the Country, not without Threats againſt the Lord Chanceſſor, Archbiſhop *Spotiſwood (b)*. And the next Day the Noblemen and others, to the Number of about two Thouſand, rode from *Stirling* to *Edinburgh*, there to conſult about further Proceedings.

IN Purſuance of their Deſigns, they reſolved themſelves into a Method of Government, erected ſeveral *Tables*, in which Deputies ſet for the Nobility, the Barons, the Clergy and the Burgeſſes, each Order at its own *Table*, conſulting of ſuch Things as were neceſſary for the carrying on of their great Work; which being reduced into Form were offered, debated and concluded at the *general Table*, which conſiſted of a ſelect Number of Commiſſioners out of all the reſt. From all theſe they form'd their famous *Covenant* under this Title; *The Confeſſion of Faith of the Kirk of* Scotland, *ſubſcribed at firſt by the King's Majeſty and His Houſhold in the Year* 1580, *therafter by Perſons of all Ranks in the Year* 1581, *by Ordinance of the Lords of the ſecret Council, and Acts of the General Aſſembly, ſubſcribed again by all Sorts of Perſons in the Year* 1590, *by a new Ordinance of Council, at the Deſire of the General Aſſembly, with a*

(a) Mr. Echard's Hiſtory of England. *(b)* Biſhop Guthery, who was then Miniſter at Stirling, tells us, That it went current at this Time, that the People aſſembled at Stirling would uſe the Archbiſhop the ſame Way, which his Predeceſſor Archbiſhop Hamilton had been uſed, fifty ſeven Years before, in that Place, where he was hanged on a Gibbet erected for that Purpoſe. My reverend Author adds, Indeed the giddy Sort would have had it ſo, but the Noblemen and the moſt of the Clergy abhorred the Motion.

general Band for the Maintenance of the true Religion, and the King's Perſon, and now ſubſcribed in the Year 1638, *by us Noblemen, Barons, Gentlemen, Burgeſſes, Miniſters and Commons under ſubſcribing, together with our Reſolutions and Promiſſes for the Cauſes after-ſpecified*, &c. The Band was fitted and accommodated to the preſent Occaſion, and by that they entred into *Covenant* for the Maintenance of the Religion then profeſſed, and His Majeſty's Perſon, but tending, as He himſelf thought, to the Deſtruction of both, as well from the Band itſelf, as from their Gloſs upon it: For by the one they had bound themſelves to defend each other againſt all Perſons whatſoever, not excepting the King himſelf; and by the other, they declared, That under the general Names of *Popery*, *Hereſy* and *Superſtition*, which were there expreſſed, they had abjured not only the new *Liturgy* and *Canons*, but the *Epiſcopal Government*, and the *five Articles of* Perth, tho' confirmed by Parliament (*a*). And to the *Covenant*, in this Senſe, they required an Oath of all the Subjects of *Scotland which was as large a Step*, ſays my Author, *as they could make for confirming their own Authority, and the Peoples Obedience in any Project which ſhould hereafter iſſue from theſe Tables.*

THE *Covenant* in this Senſe was firſt publickly read, and ſubſcribed in the *Gray-frier*'s Church and Church Yard, at *Edinburgh* the 1ſt of *March* 1638, by a numerous Aſſembly, with great Joy and Shouting. Never was a human Compoſition ſo extoll'd by the People, who carried it on with incredible Flights and Applauſes to a Sort of Adoration and Idolatry. The old Archbiſhop of St. *Andrews*, the Lord Chancellor, coming to *Edinburgh* the Day the Covenant was firſt ſigned, and hearing what was done, ſaid, *Now all that we have been doing theſe thirty Years laſt is thrown down at once* (*b*); and fearing Violence to his Perſon, he immediately withdrew for Refuge to *Newcaſtle* (*c*), as did the reſt of the Biſhops, excepting four, of whom three, Biſhop *Lindſay* of *Dunkeld*, Biſhop *Graham* of *Orkney*, and Biſhop *Fairly* of *Argyle*, ſaved themſelves from Sufferings, by ſolemnly abjuring their Functions (*d*): But Biſhop *Guthery* of *Murray* would neither fly nor recant, but patiently endured Excommunication, Impriſonment and other Sufferings, ſtill juſtifying Epiſcopal Government to the Day of his Death (*e*).

WHILE the Archbiſhop ſojourned at *Newcaſtle*, being, it ſeems, weary of Employment, by repeated Sollicitations to Court, he humbly beſought His Majeſty, that he might have Leave to reſign his Office, ſince he was unable longer to ſerve the Crown, becauſe of the preſent Troubles, and his great Age. The King, I find, with ſome Difficulty, was at Length prevailed upon to gratify the Lord Chancellor, and grant his Deſire herein: And therefore His Majeſty was pleaſed to write him a Letter under His Royal Hand, indorſed, *To the Right Reverend Father in God*, John *Archbiſhop of St.* Andrews, *our Chancellor*, permitting him to quit his Place, and to put the Great Seal into the Hands of the Lord Marquis of *Hamilton*, till he ſhould think how to diſpoſe of it otherwiſe. This Letter, which was never hitherto publiſhed, I ſhall inſert from the Original, communicated to me by Mr. *John Spotiſwood* of That-ilk Advocate, for that Purpoſe, and is as following.

CHARLES R.

Right Reverend Father in GOD, and right truſty and well beloved Counſellor, We greet you well.

Hav-

(*a*) Supplement to Archbiſhop Spotiſwood's Eccleſiaſtical Hiſtory, M. S. The Author of that Paper remarks, That there was a great Diſparity between this Confeſſion or Covenant and thoſe ſubſcribed in former Reigns: for theſe Engagements had an expreſs Clauſe for Defence of the King's Authority, as well as his Perſon: Whereas by this Bond they obliged themſelves to defend each other againſt all Perſons whatſoever, the King himſelf not being excepted: Beſides, the Confeſſions in King James's Time had been either ſigned by the King, or by the Lords of the Council, at the Requeſt of the General Aſſembly; whereas this Covenant was ſubſcribed, and the Subjects enjoined to ſwear it, without any Authority either in Church or State. (*b*) Biſhop Guthery's Memoirs. (*c*) Mr. Robert Baillie's Hiſtory of his own Times, M. S. in the Hands of Matthew Baillie of Cairnbrew, the Author's Great-grandſon. (*d*) Acts of the General Aſſembly. (*e*) Guthery's Memoirs.

Having underſtood from you heretofore, how, that in Regard of your Age and Infirmity, you are willing to demit the Charge of Chancellor, though (knowing your Faithfulneſs and earneſt Care in Our Service) we were not then pleaſed that you ſhould do the ſame; yet conſidering your Eſtate, and the Troublesomneſs of this Time, we have reſolved to give Way thereunto; and it is Our Pleaſure that you cauſe deliver, (having made your Demiſſion) the Great Seal up in the Hands of Our right truſty and well beloved Couſin and Counſellor, James *Marquis of* Hamilton *our Commiſſioner, that he may diſpoſe of it, as he ſhall have Order from us: And that it may appear that we are well ſatisfied with your Service in that Place, we have appointed Our ſaid Commiſſioner to give unto you a Teſtimony of Our Favour. And as we are pleaſed that you and your Brethren with you, remain there where you are, or in any Part to the North thereof, that you ſhall find moſt convenient, till you hear back from our ſaid Commiſſioner, we will you thereafter to do as you ſhall be directed by him, and ſo we bid you farewell. Given from Our Court at* Hampton *Court, the 16th of* September 1638.

AFTER the Archbiſhop had ſtaid ſome While at *Newcaſtle*, he proceeded on his Way to *London*, where, by eaſy Journeys, he arrived about the Beginning of *October*, and was received by His Majeſty with that Countenance he thought his Services to himſelf and his Father had deſerved, and gave preſent Orders for providing him in ſuch Accomodations in all Reſpects, as was ſuitable to the Character he bore, both in the Church and State. He had not been here many Days, when the Prelates who ſtaid in *Scotland*, ſent up a Liſt of their Grievances to his Lordſhip; wherein they complain, *That the Covenanters had changed the Moderator of the Presbytery of* Edinburgh, *and were carrying on their pretended Reformation through the whole Kingdom; That the Council of* Edinburgh *had made Choice of Mr.* Alexander Henderſon *to be Aſſiſtant to Mr.* Andrew Ramſay, *and intended to admit him without the Biſhop's Conſent; That the Miniſters of* Edinburgh, *who refuſed ſubſcribing the Covenant, were curſed and reviled to their Faces, and their Stipends detain'd; That all Non-ſubſcribing Miniſters were treated with the ſame ill Uſage; And that the Rakiſh Part of the Mob are raiſed for that Service, and let looſe upon honeſt Men* (*a*).

UPON the Noiſe of theſe Diſturbances, the King, who was ſtill willing to compoſe Matters, and to prevent the Uſe of extreme Remedies, ſent a Meſſage to the Council of *Scotland*, requiring the Attendance of the Earls of *Traquair* and *Roxburgh*, and the Lord *Lorn*, who all repaired to the Court; and after a full Conſultation, His Majeſty reſolved to ſend down the Marquis of *Hamilton* his Commiſſioner, with full Power to ſettle all. In the mean Time, great Pains was taken to propagate Presbytery and the Covenant in the North where they met with greateſt Oppoſition (*b*): For this Purpoſe the Earl of *Montroſe*, with Three of the moſt celebrated Miniſters, Mr. *Henderſon*, Mr. *Dick* and Mr *Cant*, afterward called *the Apoſtles of the Covenant*, repaired to *Aberdeen*, where they had long Diſputes with the learned Doctors of that Univerſity, which were publiſhed and printed. The Doctors withſtood all their Arguments, and gave notable Replies, for which they were afterward forced to fly their Country, to ſave themſelves from Perſecution; Yet *Montroſe*, with the three Miniſters, prevailed with many of the Citizens to ſubſcribe the Covenant, and by their Example had the like Succeſs with moſt of the Miniſters and People throughout the adjacent Shires: And ſo, being accompanied with a great Multitude of Proſylites, they returned to *Edinburgh*, to wait for the coming down of the Lord Commiſſioner, the Marquis of *Hamilton*.

UPON the third Day of *June* the Marquis arrived at *Berwick*, where the Earl of *Roxburgh* met him, and firſt

(*a*) Dr. Burnet's Memoirs of the Dukes of Hamilton, Page 41. (*b*) The Diſputes betwixt the Doctors and Profeſſors at Aberdeen, and a Committee of the Covenanters, and Biſhop Guthery's Memoirs.

informed him, *That the People would not be pacified without the Covenant allowed to them, the Articles of* Perth *annuled, the Service-Book and Canons abolished, and Episcopacy limited, all to be done in a General Assembly, and Parliament suddenly to be called.* From this, with a very small Attendance, he went to *Dalkeith*, which was then the King's own House, where the Lords of the Council were assembled for Safety, as it was alledged, by Reason of the Combustions at *Edinburgh*, which daily increased; however he was prevailed with at the Request of the Citizens of *Edinburgh*, to come from *Dalkeith* to that City, to the King's Palace at *Holy-rood-house*; and being attended by the Council, and such of the Nobility and Gentry as were best affected to His Majesty, about two Miles from *Edinburgh* he was met by the whole Body of the Nobility, Gentry and Commons, *Covenanters* then in the City, who came in a distinct Body to show how numerous they were, in Comparison of the Company they met. Being thus settled at the Palace, some of the Heads of the Covenanting Party waited on the Commissioner; and being demanded *First*, What they would expect to hear in the King's Name for the Redressing their Grievances? And, in the next Place, What he might expect from them in renouncing the Covenant, and returning to their Obedience? To the *First* they replied, That nothing but a General Assembly and Parliament could give them Satisfaction. To the *Second*, their Answer was, That they had never departed from their Obedience, nor failed in any Part of Loyalty; and for the Covenant, *They would as soon renounce their Baptism as abate one Word or Syllable of it*, accounting *it more useful and available, than all the Laws which had been enacted since the the Time of* Fergus *their first King*. In the mean Time, the Covenanters went resolutely on, clapped Guard upon the Castle of *Edinburgh*, and sent a Prohibition against Reading the *English* Service in the King's own Chappel at *Holy-rood-house*, though the Liturgy had been constantly practised there from the Time King *James* had been last in *Scotland* in the 1617.

At the same Time the Covenanters choose the Earl of *Rothes*, the Earl of *Morton*, and the Lord *Loudon*, together with three Ministers, Mr. *Henderson*, Mr. *Dick* and Mr. *Cant*, to treat with the Marquis, who still proceeded like a faithful Subject, and caused His Majesty's Proclamation to be published, declaring *His Resolution to maintain the true Protestant Religion; and for clearing of Scruples, assured them, That he would never press the Practice of the Canons and Service-Book, otherwise than in such a legal Way as should satisfy His loving Subjects; That he neither intended Innovation in Religion or Laws, warning all His good Subjects to beware of Disobedience.* This was solemnly protested against in a very insulting Manner; and they concluded, that if His Majesty would not allow their Proceedings, they themselves would call a General Assembly, as being agreeable to the Laws and Practice of the Church and Kingdom. The Marquis, to avoid the Indiction of an Assembly, which he was not to consent to, till the Covenant was openly renounced, lay quiet at *Holy-rood-house* for a few Days, and then retired to his House of *Hamilton*, where being again pressed by the Lords and Ministers, and assured, *That nothing but a General Assembly and Parliament could settle Business*, his Grace desired Leisure to make a Journey to Court for procuring the same.

The Marquis went directly to the Court at *Greenwich*, where he gave a large Account of the Affairs of *Scotland*, and of the Strength and Rage of the Covenanters, and of the Fears and Inconstancy of many of the Secret Council; and therefore to obviate these Difficulties, he advised the King to renew the Confession of Faith ratified in Parliament 1567, and to inlarge his Instructions for the indicting a free General Assembly, and for discharging the Use of the Service-Book, the Canons, and the Practice of the High Commission. With these Powers the Marquis returned back to *Edinburgh* in about a Month's Time, where he found Affairs in

a much worſe Poſture than he had left them; for the Covenanters had come to publick Reſolutions, *That they would have a General Aſſembly, that the Biſhops ſhould have no Vote in it, that Epiſcopacy ſhould be aboliſhed, the Articles of* Perth *condemned, and that all Perſons ſhould take the Covenant.* The Marquis declared in Council that he had obtained Allowance from His Majeſty to indict a Parliament and General Aſſembly, provided the *Covenanters* would comply with ſome preparatory Articles. Upon which wiſe and peaceable Men endeavoured much to diſpoſe them to a Compliance, but all in vain; for theſe Articles being offered to them, were utterly rejected. Upon this his Grace told them, *That his Inſtructions did not warrant him to grant any Parliament or Aſſembly, till His Majeſty was further petition'd, and therefore deſired Time to bring a fuller Anſwer from His Majeſty*; which was agreed to, upon Condition there ſhould be no further Delays after that Day.

THUS the Marquis took a ſecond Journey to the Court, carrying with him Articles of Advice offered to the King by three Lords, on whoſe Fidelity His Majeſty much depended, *Traquair*, *Roxburgh* and *Southesk*, who propoſed to diſcharge the *Service-Book*, *Canons* and *High Commiſſion*, to forbear preſſing *the five Articles of* Perth, and to revive the Confeſſion of Faith with a Covenant, as ſigned by King *James* in 1580; and ſo upon the Word of a King to pardon what was paſt. The Marquis at Court urged His Majeſty to the like Compliance, and obtained new Inſtructions to empower him to perform all that was ſo adviſed. While he was there, a Treatiſe was printed at *Edinburgh*, and ſpread abroad, *Shewing Reaſons for the Church's Power to hold Aſſemblies without the Magiſtrate's Allowance, in Caſe of His Averſeneſs*; which plainly ſhewed the Deſign of the *Covenanters*, if the King refuſed to comply with them. They proceeded ſo far, that when the Marquis arrived this third Time at *Edinburgh*, and produced the old Confeſſion ſigned by King *James*, which was the very Title of their own in the Covenant; they gave it out to the People, *That what the Marquis brought, tended to the Subverſion of their Liberties and Religion*; *That a new Covenant was ſet on Foot to deſtroy theirs, and if they did not reſiſt now, all was loſt*: Nevertheleſs the Marquis and the Council did proclaim and ſubſcribe the foreſaid Confeſſion of Faith; and, what was thought would have pleaſed the moſt Zealous and Violent, by a Proclamation at the Croſs of *Edinburgh*, they finally diſcharged the *Service-Book*, *the Canons* and *High Commiſſion*, declaring the Articles of *Perth* to have no Force; and appointed a General Aſſembly to ſit at *Glaſgow* the Twenty firſt Day of *November*, and a Parliament at *Edinburgh* the fifteenth of *May* following.

IT was now hoped, that all Malecontents would have been ſatisfied; and indeed all moderate Men were overjoyed, believing that theſe Conceſſions would have put an End to all theſe threatned Miſchiefs at once: But the Leaders of the Party, who govern'd the reſt, having a further Deſign, inſtead of acquieſcing, went boldly to the Market-Croſs, and proteſted againſt the King's Conceſſions, as not coming up to reaſonable Expectations; and the *Sunday* following all the Pulpits reſounded with violent Invectives and Declamations againſt His Majeſty's Declaration, branding it with *the Depth and Policy of Satan*. This ſtrange Carriage ſtartled great Numbers, and made them apprehenſive, that the Leaders in this Buſineſs had more in their View and Deſign than ever they profeſſed: But ſtill they carried Things with ſuch a potent Sway, that few or none had the Courage to ſpeak againſt them; all went along with them, tho' (as was thought) with a ſecret Reluctancy. And it was no Wonder, conſidering that by this Time they had almoſt engaged the whole Nation to the Covenant, even the greateſt Part of the *Highlanders*, eſpecially thoſe who depended on the Houſe of *Argyle*, to gratify their Superior the Lord *Lorn*, who, about this Time, by the Death of his Father, became Earl of *Argyle*, and proved a violent Aſſerter of it.

THE Aſſembly thus indicted, began at *Glaſgow* on the Twenty firſt Day of *November*, where the Marquis of *Hamilton* was His Majeſty's high Commiſſioner. After the King's Commiſſion was read, the Marquis in a Speech exhorted them to a peaceable and moderate Carriage, giving ſome Glances of the Diſorders that had paſſed: To which Anſwer being made by a Nobleman, and Lay-Elder (*a*), *That they had given his Grace Satisfaction for all their Proceedings*, they went to the Choice of a Moderator, and reſolved upon Mr. *Henderſon*, ſo often mentioned, who was choſen by a great Majority. The firſt Thing they did, after they began to do Buſineſs, was the endeavouring to exclude the Biſhops from voting, fearing, it would ſeem, ſome Diſturbance from the Character and Learning of theſe Prelates. To this Purpoſe they addreſſed the Commiſſioner, that he would iſſue out a Warrant to cite the Archbiſhops and Biſhops to appear before the Aſſembly as Criminals. This Motion being refuſed as unprecedented, the Covenanters applied to the Presbytery of *Edinburgh*, where the Brethren there anſwered their Requeſt, and without any Ceremony gave them a Warrant for ſummoning all the Biſhops before the Aſſembly. In this libelling Citation, all the Biſhops are charged with Hereſy, Simony, Perjury, Inceſt, Adultery, Fornication and Breach of the Sabbath. To this they added the Term *reſpective* (*b*), done, as was ſuppoſed, to amuſe the Vulgar, and make them believe the Prelates were guilty through the whole Imputation.

THE Biſhops made what Effort the Juncture would allow to aſſert their Authority, and keep their Standing. Thus, when the Aſſembly met, they put a *Declinator* into the Commiſſioner's Hands, by Dr. *Robert Hamilton* Miniſter at *Glasford* (*c*) their Procurator, proteſting againſt the Legality *of this pretended Aſſembly*, as they called it, and pleaded againſt their Juriſdiction (*d*), for theſe following Reaſons.

(1.) BECAUSE the uſurped Authority of the *Tables* ſent Inſtructions to all the Presbyters, to elect Members for the Aſſembly, about a Week before His Majeſty had iſſued out His Warrant for ſummoning that Meeting.

(2.) THEIR ſecond Exception is, becauſe the Aſſembly conſiſts of great Numbers of the *Laity*, who are allowed a deciſive Vote no leſs than the Clergy (*e*); whereas ſuch Perſons are legally diſabled from acting under ſuch a Character.

(3.) EVEN thoſe who pretend themſelves Miniſters of God's Word, are unqualified for being Members of the *Aſſembly*, in Regard they have neither ſubſcribed the *Articles* of Religion, nor taken the Oaths of Allegiance and *Supremacy* before the Archbiſhop or Biſhop, &c. as the Law requires. And further, they have lately proteſted againſt His Majeſty's gracious Declaration, kept up their *Tables*, diſcharged by Authority, refuſed to ſubſcribe the *Band* enjoined by His Majeſty and the Lords of the *Council*, and adhere to their own *Engagement of mutual Defence againſt all Perſons whatſoever*. That by behaving themſelves thus diſorderly, they have relapſed into the Condition they were before the King's Pardon, and forfeited their Claim to His Majeſty's Promiſe of an *Aſſembly*, which was only given on Condition of dutiful Behaviour.

(4.) SUPPOSING, but not granting, the Members of the *Aſſembly* were capable of the Authority they pretend to, and that the *Presbyteries* were impowered to elect Commiſſioners for that Purpoſe; yet now by depoſing *the Moderators* appointed by the Biſhops

(*b*) It was the Earl of Rothes. (*b*) Dr. Burnet's Memoirs of the Dukes of Hamilton, and the M. S. Supplement to Archbiſhop Spotiſwood's Hiſtory in my Hands, ſo often mentioned. (*c*) Acts of the Aſſembly of Glaſgow 1638. Dr. Hamilton for this Service (as I am well informed) was preferred to the Biſhoprick of Caithneſs. (*d*) The King's large Declaration penned by Dr. Balcanquel Dean of Durham. (*e*) Memoirs of the Dukes of Hamilton, where the Author, Dr. Burnet the Biſhop of Sarum, tells us, that ſome of the Lay-Members of the Aſſembly could neither read nor write, and yet adds he, they were Judges of Arminianiſm.

Biſhops to preſide in their Synods, and ſubſtituting others in their Place, they have forfeited that Privilege. In Proof of this Exception, the Biſhops cite an *Act of the Aſſembly at* Glaſgow 1610, and an *Act of Parliament* 1612. By theſe Acts the Biſhops are conſtituted Moderators at theſe Meetings, and in their Abſence the Miniſter nominated by the Biſhop.

(5.) To prove the Nullity of the Elections, 'tis alledged in the *Proteſtation*, that the Covenanting Presbyteries have taken in a *Lay-Ruling-Elder*, as they call him, out of every Seſſion and Pariſh: Now theſe *Lay-Elders* being commonly Lords of the Mannor, or Perſons of the greateſt Intereſt within the Precinct, the Elections are over-ruled, both by the Bulk and Number of theſe Men: By their Number, which frequently amounts to a Majority; for the Miniſters being ſome of them abſent, and others put in a black Liſt and diſclaimed, the remaining Part fall ſhort of the Proportion of the Ruling Elders: And thus the Repreſentatives of the Clergy are in Effect choſen by the *Laity*, contrary to all Order, Decency and cuſtomary Practice: And for this, beſides the Uſage of the univerſal Church, they cite the Acts of *Aſſemblies* in *Scotland*, in one of which the famous Presbyterian Miniſter, Mr. *Andrew Melvil*, was Moderator (*a*).

(6.) 'Tis urged in the *Declinator*, That the Members of this Meeting have thrown themſelves out of all Pretenſions to an *Eccleſiaſtical Aſſembly* by their notorious Misbehaviour; of which they gave ſeveral Inſtances. *Firſt*, Theſe Miniſters, by ſeditious Sermons and Pamphlets, have reproached the King, arraigned the Government, and harrangued the People toward Rebellion: And to debauch the Subject from their Allegiance, have affirmed that all Sovereign Authority is originally in the *collective* Body, and from thence derived upon the Prince, and that in Caſe of Male-Adminiſtration the King forfeits His Authority, and the Power Eſcheats to the People. The Biſhops farther alledge, That the Members of this pretended *Aſſembly* are Schiſmatical and perjured Perſons; That they have ſworn Obedience to their *Ordinary*, and yet made no Conſcience of ſo ſolemn an Engagement; That they are either actually under the *Cenſures* of the Church of *Ireland* or *Scotland*; or at leaſt deſerve to be convented before their *Ordinaries* for the ſcandalous Liberties they have taken; for the Purpoſe, for declaiming in their Pulpits againſt the Adminiſtration and Laws of the Kingdom; for reproaching People by Name in their Sermons, without any Notoriety of Fault; for holding *Meetings* without His Majeſty's Knowledge or Conſent; for invading other Men's Pulpits without Call or Authority; for preſuming to convent their Brethren, and proceed againſt them to the Cenſures of Suſpenſion and Deprivation; for preſſing the People to ſubſcribe a *Covenant* not allowed by Authority, and oppoſing the ſigning another *Covenant* enjoined by His Majeſty and the Lords of the *Council*: That moſt of theſe Irregularities ſtood condemned by General *Aſſemblies* of their own Nation (*b*). Beſides this Misbehaviour of the Aſſembly-Miniſters againſt the Church and State, it was in the Biſhops Power to charge them with a great many perſonal Blemiſhes, which in Charity they forbore to mention.

(7.) The Declinator reſumes the Biſhops Exception againſt Lay-Men's having a deciſive Vote in a General Aſſembly: But then they throw in a Reſerve of Privilege for the King or His Commiſſioner; but in other Caſes they declare it an Invaſion upon the Paſtoral Office, and contrary to the Practice of Antiquity: And here they cite ſeveral Authorities in Proof of their Aſſertion.

(8.) The Commiſſioners of this pretended *Aſſembly*, or at leaſt the greateſt Part of them, have already

(*a*) Act of Aſſembly at St. Andrews April 24th. 1582, Act of Aſſembly at Dundee 1587. (*b*) Acts of Aſſembly at Edinburgh May 22d, 1590. Acts of Aſſembly at Perth May 1ſt, 1596.

declared themſelves againſt Epiſcopacy, and by Conſequence, by being profeſſed Enemies, are by no Means qualified for Judges: That it was upon this Score of being pre-condemned, that the *Reformers* proteſted againſt the Council of *Trent*: That Prejudice and Diſaffection was reckoned a ſufficient Excuſe for *Athanaſius* his not appearing at the Council of *Tyre* and *Sardica*.

(9.) THE Biſhops complain loudly of the Summons abovementioned, iſſued by the Presbytery of *Edinburgh*, and of cauſing read the Libel in the College Church: And beſides the Calumnies in the Charge, they ſet forth the Rudeneſs and Illegality of Proceeding in this Manner, eſpecially againſt their Superiors, from ſeveral Topicks.

(10.) THE Declinator delates upon the Injury done to the Epiſcopal Character, by excluding the Prelates from voting in the *Aſſembly*: And that their not allowing an Archbiſhop or Biſhop this Privilege, unleſs elected by their *Presbyteries*, is contrary to general Practice, and without Precedent in the earlieſt and beſt Ages of the Church: And further, barring the Biſhops a Preſidency in Eccleſiaſtical *Aſſemblies*, is a Breach of the Acts of Parliament of their own Kingdom: And here they cite two *Statutes*, enacted in the Years 1606, and 1609.

LASTLY, the *Declinator* ſets forth, what a Contradiction it is to Reaſon and Primitive Practice, that Archbiſhops and Biſhops ſhould be judged by *Presbyters*, and which carries the Abſurdity further, by a mixt Company of *Presbyters* and, *Laicks*; that by the *Canons* of the ancient Church, Biſhops are to be tried by none beneath their own Order. After this the Biſhops wave this Primitive Privilege, and ſubmit themſelves to modern Conſtitution, declaring, that for any Charge relating to Life or Doctrine, they are willing to abide the Trial of a General Aſſembly lawfully conſtituted, or of His Majeſty's High Commiſſioner. They conclude with a ſolemn Proteſtation, that this *Declinator* is not made Uſe of out of any Conſciouſneſs of Immorality, or Miſconduct in their Functions: And therefore they humbly entreat his Grace the Commiſſioner, for a free and lawful *General Aſſembly*. This Remonſtrance is ſigned by the Primate, Archbiſhop *Spotiſwood*, Archbiſhop *Lindſay* of *Glaſgow*, Biſhop *Lindſay* of *Edinburgh*, Biſhop *Sydſerf* of *Galloway*, Biſhop *Maxwell* of *Roſs*, and Dr. *Whitford* the Biſhop of *Briechen*, tho' at different Places, and diſperſed for Fear of Perſecution (*a*).

NOTWITHSTANDING this Proteſtation, the Aſſembly went on, and the Lord Commiſſioner ſat about a Week with them: But finding them unalterably reſolved to exclude the Biſhops, and to aboliſh Epiſcopal Government eſtabliſhed by Law, he declared his Reſolution to the Lords of the Council, to diſſolve the Meeting. And accordingly upon the 28th of *November*, after a long Speech againſt the Illegality and Nullity of their Proceedings, he concluded with diſſolving the Aſſembly in His Majeſty's Name, and diſcharging their further Proceedings, under Pain of Treaſon. Againſt this Diſſolution a publick Proteſtation was formed, wherein they declared for a Freedom of uninterrupted Sitting, and for His Majeſty to countermand, was "to prejudge the Prerogative of JE-"SUS CHRIST, and the Liberties of "the Kirk; and thereupon Inſtruments were taken by the Earl of *Rothes* (*b*).

NOTWITHSTANDING this Diſcharge, the Aſſembly continued by its own Authority, and without Interruption ſat about twenty Days; neither did they break up, till they had gone thro' their Affairs, and were pleaſed to diſſolve themſelves: The main Things tranſacted were theſe; "All General Aſſemblies ſince the Year "One Thouſand ſix Hundred and five "were declared void, the Service Book, "the Book of Canons, the Book of Or-"dination, the High Commiſſion, and "the five Articles of *Perth*, were all "annull'd

(*a*) The King's large Declaration, Page 264. (*b*) Biſhop Guthrey's Memoirs, and the Acts of the General Aſſembly of Glaſgow Anno 1638.

annull'd and condemned: And the Covenant which had been allowed in the Year 1580 by King *James*, was declared to be ſubſtantially one and the ſame with that they had now taken; and that Epiſcopacy was abjur'd in the former.

After this they proceeded to condemn Epiſcopacy as *Antichriſtian*, tho' it ſtood confirmed both by many Acts of Parliament and Aſſemblies, and to depoſe all the Biſhops; and excommunicated moſt of them, for refuſing to ſubmit to their Authority: And it was ordained that the Sentence ſhould be pronounced in the High Church of *Glaſgow*, by Mr. *Henderſon* the Moderator on the 13th of *December*, which was executed accordingly (*a*): They concluded that a Letter ſhould be drawn up, and ſent to the King for obtaining His Royal Aſſent to all Things they had enacted; ſo upon the Twentieth of *December* the Aſſembly *roſe*, ſays my Author, *in Triumph*.

The aboliſhing of Epiſcopal Government, which the Archbiſhop believed to be of Divine and Apoſtolical Inſtitution (*b*), and the ſad Proſpect of the Times had, as was thought, an ill Effect upon his Health, and threw him into a Diſeaſe that proved Mortal. In his laſt Sickneſs he behaved with great Piety and Reſignation, gave an Account of his Faith, with which he declared himſelf fully ſatisfied, now that he was upon the Verge of the other World. After this he received the bleſſed Sacrament, which he told thoſe who viſited him had exceedingly fortified and refeſhed his Mind, and adviſed them to apply to this Support upon the ſame Occaſion. A few Days after, he ſurrendred up his Soul to GOD on the 27th of *December* 1639, aged 74 (*c*). His Body, for the greater State, was, by His Majeſty's Appointment, conveyed by Torch-Light from his Lodgings to *Weſtminſter-Abbay*, where he was buried near his beloved Maſter King *James*, coming to the Grave in Peace, and in a good old Age, without being Witneſs to thoſe Calamities, which afterward happened to his Country, whoſe Affairs, by long Experience, he knew as well as any Man whatſoever. Over his Grave was erected a decent, Marble Monument, with this Inſcription,

MEMORIÆ SACRUM,
DOMINUS JOANNES SPOTISWOOD, ECCLESIÆ SANCTI ANDREÆ ARCHIEPISCOPUS, SCOTIÆ PRIMAS, ET REGNI CANCELLARIUS,

VIGINTI ANNOS PRESBYTER, UNDECEM ANNOS ARCHIEPISCOPUS GLASGOENSIS, VIGINTI QUINQUE ANNOS S. ANDREÆ,

ET PER

QUATOR ANNOS REGNI SCOTIÆ CANCELLARIUS, EX HAC VITA IN PACE MIGRAVIT ANNO DOMINI 1639,

SEXTO CALENDAS DECEMBRIS, REGNI CAROLI 15. ÆTATIS SUÆ 74.

Præſul, Senator, *pene* Martyr *hic jacet*,
Quo nemo Sanctior, Gravior, Conſtantior,
Pro Eccleſia, *pro* Rege, *pro* Recta Fide,
Contra Sacrilegos, Perduelles, Perfidos,
Stetit ad extremum uſque Vitæ Spiritum,
Solitumque talium Meritorum Præmium,
Diras Rapinas Exiliumque pertulit.
Sed hac in Urna, in Ore Poſtremum, in Deo
Victor potitur Pace, Fama, Gloria.

(*a*) Acts of the Aſſembly of Glaſgow. (*b*) The Biſhop of Wincheſter's Memoirs of the Life of Archbiſhop Spotiſwood, prefixed to his Eccleſiaſtical Hiſtory. (*c*) Reliquæ Sancti Andreæ, M. S. penes me

THE Archbiſhop left Iſſue by *Rachel* his Wife, Daughter of Dr. *David Lindſay* Biſhop of *Roſs*, Sir *John Spotiſwood* of *Darſy*, one of the Gentlemen of the Bedchamber to King *James* VI. *(a)* Sir *Robert Spotiſwood* of *Pentland*, who was Lord Preſident of the Seſſion in the Reign of King *Charles* I. before the Wars, and a Daughter *Anne* married to Sir *William St. Clare* of *Roſline* Knight, one of the moſt honourable Families in *Scotland*, and at that Time poſſeſſed of one of the beſt Eſtates in the Kingdom. I ſhall conclude all I have further to ſay concerning the Archbiſhop, by giving an Account of his Works of Learning; which are theſe.

The Hiſtory of the Reformation of the Church of Scotland *in ſeven Books*, of which there have been publiſhed three ſeveral Editions at *London* in Folio, the firſt in 1655, the ſecond in 1666, and the laſt in 1677.

IN the firſt of his ſeven Books, the Archbiſhop treats of the firſt Planting of Chriſtianity in *Scotland*, ſhewing, contrary to the Aſſertion of ſome of our other Hiſtorians, that Epiſcopacy was the primitive Government here, as ſoon as a Church was formed. In the ſecond, he gives a ſhort Account of the Succeſſion of the Biſhops in the ſeveral *Sees*, till the Reformation of Religion. In the four following Books, he largely handles the Beginning and Progreſs of the Reformation, wherein he endeavours to prove, tho' I cannot ſay with the Right Reverend Dr. *Nicolſon* (*b*), *he evidently confutes their Opinion, who maintain that the* Scots *reformed by Presbyters*; ſince 'tis evident, from ſeveral Teſtimonies already mentioned in the Courſe of this Work, that both Epiſcopals and Presbyterians promiſcuouſly concurred in reforming the Doctrinal Part of Religion, and it was ſome Time before they came to break about the different Forms of Church Government. For, as we have hitherto obſerved, our Reformers, generally ſpeaking, were far from being ſtrait-lac'd in their Notions, they maintain'd a great Latitude in theſe Matters, and did not think any one Model of Eccleſiaſtical Diſcipline was ſettled by ſuch poſitive Laws as were unalterable, and were equally far from thinking, that Epiſcopacy was neceſſary to the Being of a Church, or that the Presbyterian Scheme was the only Government eſtabliſhed by Chriſt in the Church. Their Opinion was, that provided there was an Agreement in the Doctrine, Churches might differ enough in other Matters, and yet *maintain the Unity of the Spirit in the Bond of Peace.* In the ſeventh Book of the Archbiſhop's Hiſtory, from the Period of King *James*'s Acceſſion to the Crown of *England*, he conſiders the gradual Introduction and Advancement of Epiſcopacy, with large Reflections on the Occaſion of the Change of Preſbytery, and the Means by which ſuch a Prelacy was brought in and eſtabliſhed, and comes as far down as the King's Death in the 1625. Dr. *Nicolſon* the Biſhop of *London-Derry*, when he wrote his *Scots Hiſtorical Library*, had by him a very fair Tranſcript of this Hiſtory, the ſame which was provided by the Author for the Preſs, as both his Name ſubſcribed to the Epiſtle Dedicatory with his own Hand, and the Licences given under the Hands of the Secretaries of both Kingdoms, *Stirling* and *Windiebank*, do ſufficiently prove. The Copy which the Publiſher Mr. *Royſton* procured, was leſs exact than this, as appears from the Marginal Notes, which are all the Archbiſhop's proper Hand-writing, and from ſome Defects in the Print, of which there are Omiſſions of whole Lines, which may be from hence ſupplied. I ſhall inſtance only a Couple, which are within the Compaſs of one Page, wherein the Author tells us, that the *Iſles* of *Orkney* were poſſeſſed by the *Picts*, whileſt that Kingdom ſtood; and that St. *Kentigern*'s Hymn began thus,

O Sacer antiſtes, Regis clariſſima proles,
Per quam Laud nia nitet, & jam Cumbria tota,
Magnaque pars Scotiæ fidei convertitur Almæ.

BOTH which Stories are very defective in the printed Books of all the Editions. I have ſeen my ſelf a fine *Manuſcript* of this Hiſtory in the Hands of

(*a*) Memoirs of the Life of Sir Robert Spotiſwood prefix'd to his Practicks. (*b*) Now Biſhop of London-Derry in his Scots Hiſtorical Library.

of Mr. *Spotiſwood* the Archbiſhop's Great-Grandſon, with Marginal Notes, and a Preface written by the Author's own Hand, and is fuller in ſome Things than either of the printed Copies which I compared. A learned Countryman of our own, of the Romiſh Communion, Dr. *John Jamieſon*, I am informed, wrote critical Notes on the Eſcapes in this Hiſtory, thoſe eſpecially which are in the firſt two Books, which I ſuppoſe are now in the Hands of his Executors.

Mr. *Thomas Middleton* an ingenious young Gentleman, a Student in Divinity, wrote an Appendix, as he calls it, to the Archbiſhop's Hiſtory, which is printed in a Volume fit to be bound up with the Hiſtory itſelf, and gives a Continuance of the Succeſſion of the Biſhops in the ſeveral *Sees*, till the Year 1676. I my ſelf have made Remarks and Additions in the Succeſſion of the Biſhops in the ſeveral *Sees*, eſpecially of *Glaſgow*, *Galloway*, *Roſs*, *Argyle* and the *Iſles*, where the Archbiſhop is moſt defective, and have brought them down till the Revolution in 1689.

The Archbiſhop publiſhed alſo another Piece in Defence of the Eccleſiaſtical Eſtabliſhment in *Scotland*, in Refutation of a *Latin* Epiſtle written by Mr. *David Calderwood* the Preſbyterian Hiſtorian in the 1618, under the borrowed Name of *Hieronymus Philadelphus*, in Order to inform the Members of the Synod of *Dort*, concerning the Differences in *Scotland*, about Church Government; the Biſhop's Anſwer he calls *Refutatio Libelli de Regimine Eccleſiæ Scoticanæ*, publiſhed at *London*, in 12*mo*, *Anno* 1620.

There are alſo extant ſeveral Sermons of the Archbiſhop's on the ſecond Epiſtle of St. *Paul* to the *Theſſalonians*, and on the Epiſtle of St. *Jude* (*a*) in Manuſcript, which is all that he hath left behind him, that I could come to the Knowledge of.

John Earl of *Loudon*.

This Noble Lord was come of the Family of *Glenurchy*, a Branch of the illuſtrious Houſe of *Argyle*. His Anceſtor *John Campbell* of *Lawers* was the eldeſt Son of Sir *Colin Campbell*, the firſt Baron of *Glenurchy*, by *Margaret* his laſt Wife, Daughter of Sir *William Stirling* of *Keir*. He got the Lands of *Lawers* in Patrimony from his Father, and from thence took his Title and Deſignation. By *Agnes* his Wife, Daughter of - - - - *Moncrief* of That-ilk (*b*), in the County of *Perth*, he had *James* his Succeſſor, *John* and *Archibald* two younger Sons.

Which *James* had, by the Favour of the Crown, in the Reign of King *James* V. a Charter under the Great Seal, erecting the Lands of *Lawers* &c. into one free and intire Barony. The Narrative of the Erection bears, That theſe Lands had been formerly given, ſays the King, *Per quondam nobiliſſimum avum noſtrum* Jacobum III. *bonæ Memoriæ*, *quondam* Colino Campbel *de* Glenurchy, *militi*, *avo dicti* Jacobi Campbel *de* Lawers, *& hæredibus ſuis maſculis*, *inter ipſum & quondam* Margaritam Stervelyn *Sponſam ſuam*, *aviam dicti* Jacobi, *pro bono & fideli Servitio dicti quondam* Colini *facto*, *in arreſtatione & captione quondam* Thomæ Chalmer *proditoris*, *qui interfuit crudeli Interfectione quondam nobiliſſimi predeceſſoris noſtri* Jacobi I. *bonæ Memoriæ*. The Charter bears Date, 16th of *June* 1525 (*c*). He married *Margaret*, Daughter of Sir *Walter Forreſter* of *Garden*, Knight of the County of *Stirling* (*d*), by whom he had *Archibald* his Son and Heir Apparent, who carried on the Line of the Family, but, I think, died in the Lifetime of his Father, and four other younger Sons, *John*, *Duncan*, *Edward* and *Walter* (*e*), alſo a Daughter *Margaret*, married to Sir *William Edmonſton* of *Duntreath* (*f*), and had Iſſue. This *Archibald Campell* of *Lawers* the Younger married *Agnes*, Daughter of *John Roſs* of *Craigie* (*g*), a very ancient Family in the County of *Perth*, by whom he had Sir *John Campbell* of *Lawers* his Son, who was in great Eſteem with King *James* VI. and, by His Majeſty's ſpecial Favour,

(*a*) Penes John Spotiſwood of That-ilk (*b*). Charta penes me (*c*). Charter under the Great Seal in the Records (*d*). Ibidem ad Annum 1525. (*e*). Ibidem. (*f*) Charta penes Archibald Edmonſton de Duntreath ad Annum 1543. (*g*) Charter under the Great Seal, to Archibald Campbell Son and Heir Apparent of James Campbell of Lawers, and Agnes Roſs his Spouſe, dated the ninth of May 1542.

was pitched on to be made a Knight, at the Coronation of Queen *Anne*, the Royal Conſort of King *James*, *Anno* 1590, (*a*), and was a very worthy Gentleman, highly honoured both in Court and Country.

He married *Beatrix*, eldeſt Daughter of *Colin Campbell* of *Glenurchy*, Anceſtor to the preſent Earl of *Broadalbine*; by whom he had Sir *James* his Succeſſor. *Colin* the ſecond Son, was the firſt of that Branch of the *Campbell*'s of *Aberuchel* (*b*), and *Archibald*, Prior of *Strathfillan*, a Cell of the diſolved Abbay of *Inchaffery* in the County of *Berth* (*c*).

Sir *James Campbell* of *Lawers* was alſo a Gentleman of very good Reputation, was much in the Favour of King *James*, and was no leſs eſteemed than any of his Anceſtors, for his perſonal Worth and Merit. He married *Jean* Daughter of *James*, the firſt Lord *Colvil* of *Culroſs* (*d*), by whom he had Sir *John* his eldeſt Son, thereafter Earl of *Loudon*, Sir *Mungo Campbell* of *Lawers*, and a Daughter married to *David Dunbar* of *Enterkine*, in the County of *Air*.

The Lord Chancellor was born, as I am informed, *Anno* 1598. He had an Education ſuitable to his Birth, both at Home and in foreign Parts. When he returned from his Travels, being eſteemed a young Gentleman of fine Parts and polite Learning, King *James* conferred the Honour of Knighthood on him, and ſoon thereafter he was preferred to the Marriage of the Lady *Margaret Campbell*, the eldeſt Daughter of *George* Maſter of *Loudon*, and the Heir Apparent, both of the Eſtate and Title of *Hugh* Lord *Loudon* her Grandfather, in the Year 1620 (*e*), and which, in the Right of his Wife, he came to enjoy on the Death of the old Lord, in little more than two Years thereafter. King *Charles*, after his coming to the Crown, having conceived a very good Opinion of the Lord *Loudon*'s Parts and Merit, was graciouſly pleaſed to confer upon his Lordſhip the additional Honour of Earl of *Loudon*, by Letters patent, bearing Date at *Theobalds*, *May* eight 1633 and to his Heir's Male for ever (*f*): This will more fully appear from the Preamble of the Patent, wherein the King declares the Motive inducing him to beſtow the Honour, was, *Virtutem Animi Dotes, & Amorem fidelis & prædilecti noſtri Conſanguinei* Joannes *Domini* Loudon, *erga noſtrum Servitium, gratioſe viſum fuit, Teſſeram aliquam Regii noſtri Favoris in eum conferre, & ut Animus & Vires ei addantur, ad nobis melius impoſterum inſerviendum; Idcirco fecimus, conſtituimus, &c.* But his Lordſhip, ſoon after this joining in the Parliament with the Earl of *Rothes*, the Lord *Balmerino*, and that Party who oppoſed the Court in the Matter of the Act, impowering His Majeſty to preſcribe the Apparel of Churchmen, the Earl's Patent, which had not then paſſed the Seals, was by a ſpecial Order ſtopt at the *Chancery*, and the Title ſuperſeded: The King having expreſſed a high Diſpleaſure againſt all who had concurred in that Oppoſition.

The Appearance againſt the Court in this Point rendred his Lordſhip exceeding popular, and grafted him into the entire Confidence of the diſcontented Party, inſomuch, as when the firſt Troubles began, occaſioned by the bringing in of the Liturgy, he was choſen to repreſent their Grievances to the Council, which he did in a long and elaborate Speech on the Twenty firſt of *December* 1637 (*g*), wherein, after he had given a very full Detail of all the illegal Methods had been taken in Reference to the Service-Book, and the Book of *Canons*, &c. from the Time thoſe Innovations had been firſt introduced, till that very Day, he preſented a Petition containing their Grievances; and then proteſted, *That the Biſhops hereafter ſhould not be permited to ſit in the Council as their Judges, until the Cauſe was decided, becauſe they were Par-*

(*a*). Rymer's Fœdera Angliæ, ad Annum 1590 (*b*). Charta in publicis Archivis, ad Annum 1590 (*c*). Monaſticon Scoticanum M. S. penes me (*d*) Charta in publicis Archivis (*e*). Ibidem, ad Annum 1620. (*f*) Patent recorded in the Regiſters of the Great Seal. (*g*) Sir James Balfour's Annals, Volume 2d. M. S. in the Library of the Univerſity of Glaſgow.

Parties; and albeit they be absent at this Time, says he, *yet they may be present at another Time, when possibly both the most Part of the Council and the Complainers shall be absent, the Chancellors with six or seven other Bishops, a Quorum of the Council, may determine upon our Cause and Petitions, as well as they passed an Act of Council for approving the Service-Book, before it was either printed or seen, which Act we perswade our selves had never passed, if either there had been a frequent Council, or if the Bishops had not been Predominant Ingredients at that Time:* And drawing toward an End, he says, *Our Desires tend to no other End, but the Preservation of the true Religion, the lawful Liberties of the Subject, and the Bishops and Prelates Delinquent taken Order with, according to Justice. We crave neither their Blood, nor any Harm to their Persons, but that the Abuses and Wrongs done by them may be truly remonstrated to His Majesty, that after due Trial, such Order may be taken, as may effectually restrain their exorbitant Power for the Time to come.*

'Tis not my Province here, nor do I intend to prosecute the History of the War, or to enumerate all the various Steps which contributed to the inflaming those Jealousies, which afterward broke out into so fatal a Combustion; these I leave to the publick Historians, nor shall I touch upon them any further, than what I judge proper for the carrying on the Threed of the Life I am writing: But in the Case here, it will be necessary for Method's Sake to observe, that when the Assembly of *Glasgow* rose, they sent up Mr. *Windram* of *Nether-Liberton* to the Court, with the Assembly's Letter to the King, which was received and read before the *Scots* Council there (*a*). They were all of Opinion it was a most humble and well penned Letter, or at least they said so; upon which His Majesty took His answering of it into Consideration, and shortly after sent down a Letter to the Council at *Edinburgh*, importing, *That for the better settling of their Affairs, he would be at York upon the first of* April 1639, *and would call the* Scots *Council to come there, and give him Advice.*

Notwithstanding this, Jealousies increasing, the Noblemen and Ministers, who governed all at *Edinburgh*, professed they had Intelligence, that the King designed Nothing but War, and was now raising an Army to invade their Kingdom, upon which Foundation they call'd a general Meeting of all Sorts to be at *Edinburgh* on the twentieth Day of *February*, to resolve upon a defensive War. And being met, a Paper was read, setting forth the Lawfulness of such a War, which was received with so much Satisfaction and Conviction, that they unanimously consented to the raising of an Army, and voted General *Lesly* to be their chief Commander. The next Day they seized upon the Castle of *Edinburgh* without Resistance, and two Days after upon the King's Palace at *Dalkeith*, and not long after, they became Masters of the chief Parts of *Scotland*. Some of the Officers of State, who remained firm to the King, sent Advice to His Majesty, that there was no Way to reduce the Country to Obedience, but by sending a Fleet of Ships to ly in the Firth, and block up their Trade, and then to follow with a Royal Army. These Measures were approved in Council at *London*, and Resolutions taken, that the King should go in Person, and the Nobility attend him, as soon as the Posture of his Affairs would allow him.

In the Spring of the Year 1639, the King had got together an Army of near six Thousand Horse, and about that Number of Foot; besides which, he had a powerful Fleet, with a Body of three thousand Men on Board, who were to destroy the *Scots* Trade, and make all proper Attempts upon the Lands. The Earl of *Arundel* was made General, the Earl of *Essex* Lieutenant General, and the Earl of *Holland* General of the Horse.

With these differing Prospects, on the twenty seventh of *March*, His Majesty began His March Northward, well at-

(*a*) Bishop Guthery's Memoirs.

attended by moſt of the Nobility in Perſon, and the Flower of the *Engliſh* Gentry, and in a few Days arrived at *York*, where was the general Rendezvous of his Army. The Covenanters were not far behind with His Majeſty, if they had not the Start of him (*a*): For in a ſhort Time they raiſed an Army not much inferior to His Majeſty in Numbers, but Nobly commanded by excellent Officers, who had been trained up in the Wars of *Sweden* and *Germany*, as General *Leſly*, Lieutenant General *Livingſton*, and others, all well affected to the Cauſe. As the *Scots* Army were upon their March, and approaching to the Borders, they ſent Letters and Addreſſes to His Majeſty, *Lamenting their ill Fortune, that their Enemies had ſo great Credit with the King, as to perſuade him to believe, that they were or could be diſobedient to him, a Thing that could never enter into their Loyal Hearts (b)*, proteſting, *that they deſired Nothing, but to be admitted into the Preſence of their Gracious Sovereign, to lay their Grievances at His Royal Feet, and leave the Determination of them entirely to His Wiſdom and Pleaſure.* The Humility of the Stile, as the Lord *Clarendon* obſerves, gain'd them many Friends, who thought it great Pity, that any Blood ſhould be ſpilt in a Contention, which His Majeſty might put an End to by His own Word, as ſoon as he would hear their Complaints. But during theſe ſubmiſſive Appearances, their Preparations ſo increaſed, that the King thought it neceſſary to march towards the Borders of *Scotland*, by *Newcaſtle* to *Berwick*, where the General had the Army drawn up in Batallia, and the King marched at the Head of them, till he came near the *Tweed*, two Miles Weſt from *Berwick*, in an open Field, called *The Berks*, where he incamped and lodged in his Tent with the Army.

UPON the thirty of *May* the King had Intelligence, that General *Leſly*, with about Six Thouſand of the *Scots* Army, was quartered at *Dunce*, a Town about ſeven Miles diſtant from the *Engliſh* Camp. Upon which the Earl of *Holland* was ordered to march towards them, with a Body of Three thouſand Horſe, and Two Thouſand Foot; and coming thither, he found the *Scots* drawn up on the Side of a Hill, and in very good Order, as they report, who were preſent, and utterly deny, as the *Engliſh* Hiſtorians aſſert, *That they had great Herds of Cattle at a Diſtance upon the Hills on either Side, a Stratagem of the Generals to cauſe the Appearance of a formidable Body.* Beſides the Account the *Engliſh* themſelves give of this Affair, is contradictory in it ſelf: For here they ſay, General *Leſly* had not above Three Thouſand Men altogether, and yet they own juſt before, that he had an Army twice that Number. But to proceed, the Earl of *Holland*, who, by ſome unforſeen Accident, had his Foot and Artillery three or four Miles behind, was ſo terrified with the Apparition of the *Scots* Army, that he ſent Orders to his Foot not to advance, and made his Retreat back to the King's Camp (*c*). This Attempt was ſeconded by another of no better Conduct or Succeſs: For two Days after, *June* ſecond, Information being brought, that the *Scots* were in their Quarters at *Kelſo*, about ſix Miles Diſtance, with only Fifeteen Hundred Men, it was reſolved in a Council of War, to ſend a Detachment towards them: So the next Day, *June* third, the Earl of *Holland*, with a Body of Two thouſand Horſe, and as many Foot, marched again over the *Tweed* towards *Kelſo*, and came with his Horſe within Sight of the Enemy, while their Foot was ſtill three Miles behind. The *Scots* immediately drew up their Forces to ſo much Advantage and Surprize, that the *Engliſh* General again retreated to his Foot; and ſo peaceably returned once more to the Camp. Theſe two Sallies of Bravery, the *Engliſh* Hiſtorians own, gave great Diſcouragement to the King's Army, and made the *Scots* more bold and daring, when they ſaw the Expedition was

(*a*) Dr. Burnet's Memoirs of the Dukes of Hamilton, Page 116 (*b*). Clarendon's Hiſtory of the Civil War, Volume 1ſt. (*c*) Mr. Echard's Hiſtory of England.

was likely to be no other, *Than the Jeſt of a War.*

UPON this Apprehenſion of their own Safety, the Covenanters wrote three Letters to the three Generals, the Earl of *Arundel*, the Earl of *Eſſex*, and the Earl of *Holland*, all to deſire their Interceſſion with the King, for Peace and Protection to them; and all ſo adapted to the Humours of theſe great Men, that at laſt the Earls of *Arundel* and *Holland* began to incline and adviſe to an Accomodation, thinking it wiſer and better, not to carry Things to Extremity, while there were any Hopes of Submiſſion. And the Lord *Clarendon* ſays, *It was ſuſpected and believed by thoſe who ſtood neareſt in His Majeſty's Confidence, that he never had any Purpoſe to make the War in Blood, but believed, that by ſhewing an Army to the* Scots, *which was able to force them to any Conditions, they would have begged Pardon for the Conteſt they had made, and ſo he ſhould have ſettled the Church,* meaning according to the *Engliſh* Model, *and all Things elſe according to His Pleaſure (a).*

THIS Diſpoſition in the King and His Miniſters encouraged the Covenanters to renew their Petitions and Addreſſes, importing, *That they deſir'd thoſe might be ſeverely puniſh'd, who had miſrepreſented them to the King, and that ſome noble Lords might be named to treat upon all Particulars.* Upon this Submiſſion only, Commiſſioners were appointed to treat of a Pacification, the Earls of *Pembroke*, *Holland*, *Salisbury* and *Berkſhire*, with Sir *Henry Vane*, and Secretary *Cook*, on the King's Side; and on the other Party, the Earl *Dunfermling*, the Lord *Loudon*, Sir *William Douglas* of *Cavers*, Sheriff of *Teviotdale*, Mr. *Alexander Henderſon*, and Mr. *Archibald Johnſton* of *Warriſton* (*b*). The Treaty was manag'd in the Earl of *Arundel*'s Tent, where the King unexpectedly appear'd in Perſon: So after five or ſix Days Debate, the Commiſſioners on both Sides came to this Concluſion on the Eighteenth Day of *June*. Firſt, *That His Majeſty ſhould confirm whatever His High Commiſſioner had granted in His Name, and that from thenceforth all Matters Eccleſiaſtical ſhould be determined by the Aſſemblies of the Kirk, and all Matters civil by the Parliament: And to that End a General Aſſembly ſhould be indicted on the ſixth of Auguſt*, where His Majeſty deſign'd to be in Perſon, *and a Parliament on the Twentieth of the ſame Month, in which an Act of Oblivion ſhould paſs for the common Peace and Satisfaction of all Parties. Next*, The Covenanters were to agree to ſeven Articles, the Subſtance of which were, *That upon the Publication of this Declaration, they ſhould within Forty eight Hours diſband all their Forces, diſcharge all their Tables and Meetings, and reſtore to the King all his Caſtles, Forts and Amunition of all Sorts. The like Reſtitution was to be made to all His good Subjects of the Liberties, Lands, Houſes, Goods and Means whatſoever, taken and detained from them, ſince the firſt Day of* November: *That thereupon His Majeſty ſhould immediately recal His Fleet, withdraw His Land-Forces, and cauſe Reſtitution to be made to all Perſons of their Ships and Goods, detained and arreſted ſince the firſt of* February. Such was the Concluſion of this Pacification, after a three Months War without Blood-ſhed, in which the chief Grounds of the Conteſt, the Proceedings of the Aſſembly of *Glaſgow*, were left at large and undecided, which was thought a very fatal Overſight, and could never be well accounted for by the moſt favourable Hiſtorian on the King's Side I have ever ſeen.

BUT notwithſtanding of the Pacification, further Troubles began to appear, even before the King left the North: Whereupon he required Twelve of the Heads of the Party to repair to His Court at *Berwick*, with whom he might conſult about the Way of his coming there to hold the General Aſſembly and Parliament in Perſon. Theſe were the Earls of *Argyle*, *Rothes*, *Montroſe*, *Lothian*, *Caſſils* and *Dunfermling*, the Lords *Lindſay* and *Loudon*, Sir *William*

(*a*) Clarendon's Hiſtory of the Civil War, Vol. 1.

(*b*) Ruſhworth's Collections.

liam Douglas, Mr. *Henderſon*, Mr. *Johnſton* of *Wariſton*, and one Mr. *Edgar*; of theſe only ſeven appeared, *Rothes*, *Montroſe*, *Lothian*, Sir *William Douglas*, *Warriſton* and Mr. *Edgar*, who, kiſſing the King's Hand, were commanded to ſend back Poſt for the reſt; which being done, they prepared to take Horſe, but had the Buſineſs ſo contrived, that before they could leave *Edinburgh*, Multitudes were met to ſtop them (*a*), upon Pretence, that if they went, they would be all detained Priſoners: Whereupon the Lord *Loudon* wrote an Excuſe to the King, who being diſobliged, he diſmiſſed thoſe that were with him, upon a particular Promiſe, that they would return and bring the reſt along with them. But being got to *Edinburgh*, the Matter was debated, and reſolved that it was not ſafe for them to go; and thereupon the Lords *Loudon* and *Lindſay* were ſent to the King to excuſe their Appearance. This ſo provoked His Majeſty to be thus ſhamefully diſtruſted, as he call'd it, that inſtead of coming to *Edinburgh* to hold the enſuing Parliament and Aſſembly in Perſon, upon the Twenty ninth of *July* he left *Berwick*, and took his Journey for *London*.

THE Aſſembly met, according to the appointed Time, the Earl of *Traquair* the Lord Treaſurer being His Majeſty's Commiſſioner, and Mr. *David Dick* Moderator, they proceeded to confirm all that had been done in the Aſſembly at *Glaſgow*; namely, the utter Extirpation of Epiſcopacy, the aboliſhing of the five Articles of *Perth*, the *High Commiſſion*, the *Liturgy* and *Book of Canons*; and likewiſe ratified the Covenant, ordaining it to be ſworn to, and ſubſcribed by all the Members of the Kingdom. All this was compleated in a few Days, and received the Conſent of His Majeſty's High Commiſſioner.

UPON the Breaking up of the Aſſembly, the Parliament met on the Thirty firſt of *Auguſt*, where, becauſe the Aſſembly's aboliſhing of Epiſcopacy, had taken away one of the three Eſtates of the Kingdom, they were at a Loſs how to proceed according to Rule, in which the former Method was this: The King having firſt nominated eight Biſhops, thoſe *Biſhops* elected eight Noblemen, thoſe *Noblemen* eight *Barons*, and thoſe Barons as many *Burgeſſes* (*b*); and all thoſe, with eight Officers of the Crown, made up a ſelect Number, whoſe Buſineſs was to prepare Things for the Parliament, and thoſe were called the *Lords of the Articles*. This had been the Uſage and Cuſtom for near Three hundred Years; but now this ancient Cuſtom was laid aſide by the Abſence of the Biſhops, who were not permitted to act nor ſit; yet upon the Motion of the Commiſſioner it was granted, that, not to prejudice His Majeſty's Right, he ſhould now have the Election of eight Noblemen, inſtead of the eight Biſhops uſually nominated; and for the future, every State ſhould chooſe their own Commiſſioners. And then having ratified the Acts of the Aſſembly (*c*), they proceeded to the Act of Oblivion; but inſtead of that, urged that an Act for Juſtification of all their Actions might be recorded in Parliament: Which being done, they proceeded to other Demands from the King, *That the Coin ſhould not be manag'd, but by Advice of Parliament: That no Foreigner ſhould have the Command of their Caſtles; No Honour granted to any Stranger, but ſuch as had a competent Eſtate in* Scotland; *And that Commiſſioners of Juſticiary or Lieutenancy ſhould have Power but for a limited Time.* The King having Notice of theſe high Proceedings, ſent Orders to prorogue the Parliament till *June* in the next Year.

UPON the Commiſſioner's acquainting the Houſe with His Majeſty's Commands, they proteſted againſt it, declaring it invalid and of no Force, and without Precedent; that the Commiſſioner ſhould, by a private Warrant prorogue the Sitting of a Parliament. Yet for the preſent they reſolved to make Remonſtrances to His Majeſty (*d*), and that ſome of each State ſhould remain

(*a*) Biſhop Guthery's Memoirs. (*b*) State of the Parliament of Scotland. (*c*) Reſcinded Acts of Parliament. (*d*) Dr. Burnet's Memoirs of the Dukes of Hamilton.

main at *Edinburgh* to attend His Answer. Accordingly, they sent the Lord *Loudon* and another Peer, as their Deputies to the King at *Whitehall:* But they coming without Warrant from His Majesty's Commissioner, were commanded back without Audience.

After this, they sent another Petition to His Majesty by one Mr. *Cunninghame*, desiring Permission to send some of their Number, for their own Vindication; which His Majesty granting, the Lords *Loudon* and *Dunfermling* were again sent up, who being commanded to attend a Committee at an appointed Time, resented the Thing, and did not think themselves obliged to treat with any but the King only. Upon which His Majesty vouchsafed His Presence in the said Committee, where the Lord *Loudon* made a Speech (*a*), declaring, *The Independency of the Crown of* Scotland; *and justified the Transactions of the Assembly and Parliament, that they were according to Articles of Pacification, and Laws and Customs of the Nation: Therefore they desired a Ratification of their Proceedings, and that the Parliament might go on to determine of all Bills for the settling of Peace*, &c. Having finished his Speech, their Commission was examined by the Council, and found not at all obligatory to those that sent them: Yet an imperfect Paper was produced, authorizing *Loudon* and *Dunfermling*, which was at length accepted. Yet they were soon checked; for after they had insisted upon their foresaid Requests, their Proceedings were summed up to them, and a Letter produced by the King that had been intercepted, wrote to the *French* King, indorsed *Au Roy*, a Stile only used by Subjects to their natural King, and subscribed by the Lords *Rothes*, *Montrose*, *Mar*, *Loudon* and *Forrester* (*b*), in which they addressed to His Majesty, *As the Refuge and Sanctuary of afflicted Princes and States, most humbly beseeching him to give Faith and Credit to Mr.* Colvil, *whom they had sent to represent the Candor and Ingenuity of their Proceedings, and to assure themselves of an Assistance suited to His wonted Clemency.* This was found to be the Lord *Loudon*'s own Hand, who being examined upon it, refused to give any other Answer, than *That it was wrote before the Agreement and thereupon reserved and never sent: That if he had committed any Offence, he ought to be questioned for it in* Scotland, *and not in* England, *and insisting upon his safe Conduct, demanded his Liberty to return.* But notwithstanding all the Defences his Lordship was able to make, he was sent Prisoner to the Tower (*c*). His Commitment was highly resented by the Parliament of *Scotland*, as a Breach of the publick Faith, and a Violation of the Law of Nations. But the King judged no Consideration could warrant his Subjects to commit Treason, nor secure them from Trial and Censure when found guilty. There were at this Time some ill Instruments about the King, particularly Archbishop *Laud*, who 'tis said, advised His Majesty to proceed capitally against the Lord *Loudon*, which went so very far, that I have been well informed, a Warrant was sent to the Lieutenant of the Tower, Sir *William Balfour*, to cause cut off the Lord *Loudon*'s Head (*d*). The Gentleman being *a Scotsman*, and apprehending the dismal Consequences of such a Method of Procedure, immediately went to the Marquis of *Hamilton*, and shewed him the Order, which he was resolved not to obey; the Marquis was stunned with it, and resolved to do all he could to prevent it; and thereupon, tho' it was very late, and the King gone to Bed with the Queen, went directly to the Bedchamber, awoke the King, told Him his Errand, and then falling upon his Knees, humbly besought His Majesty, that He would recall His order; for if it was executed, it would create such a Jealousy betwixt His Majesty and His Subjects of *Scotland*, that no Time could be

(*a*) Rushworth's Collections. (*b*) Ibidem Rushworth. (*c*) Warrant to Thomas Adams Sheriff of London to take the Lord Loudon into Custody, eleventh April 1640 in Rushworth, Page 1103. (*d*) Sir John Scot's Staggering State, as he calls it, of the Scot's Statesmen, from the Year 1550 till the Year 1650, so often cited, M. S. penes me.

able to efface, and the Effects of it would be very diſmal. His Majeſty, who was in his own Nature both juſt and merciful, and tender of Blood, was ſatisfied with what the Marquis had urged. So in that Inſtant a Meſſage was ſent to the Lieutenant countermanding His Order, which he was to communicate to the Lord *Loudon*, which very much ſet his Lordſhip at Eaſe (*a*). So after ſome further Time of Reſtraint, he was diſcharged from his Impriſonment, and after a few Days Admittance and kind Reception at *Whitehall*, was diſmiſs'd into *Scotland*, where His Authority and Power with the People was as great as any Man's, it being generally believed, he had undertaken to quiet the Diſtempers there, which I am confident he very firmly deſired to do, had he found it was in his Power to have effected.

WHEN the Lord *Loudon* came Home, ſuch was the perplexed State and Condition of *Scotland*, that notwithſtanding all his Endeavours for Peace, he was able to do but little toward bringing Matters to an Accomodation he had his Heart ſo much upon: So that all Things in the preſent Juncture ſeemed to bring on a ſecond War, that had a more dangerous and formidable Aſpect than the former. I need not inſiſt upon the Cauſes of this ſecond Rupture, which have been partly hinted, and are ſo well known: Only we may obſerve, that the Proceedings of the Covenanters were thought a ſufficient Reaſon to determine the King to reduce them to Obedience by Force; and for that End he began to levy Forces, which he did with ſo much Vigor, that in a little Time he raiſed an Army of above Twenty Thouſand Men (*b*). The chief Command of which he truſted to the Earl of *Northumberland*, the Earl of *Strafford* was made Lieutenant General, and the Command of the Horſe was given to the Lord *Conway*. The Covenanters were not far behind with the King; for being apprehenſive of their Ruin, if they ſhould be remiſs at this Time, proceeded to the levying of an Army with all imaginable Activity, reſolving to do more now, than in their laſt Expedition: And therefore having gathered a new Army under their old General *Leſly*, *Montroſe* and others, on *Friday*, the twenty firſt of *Auguſt*, they entred the Kingdom of *England* without Oppoſition (*c*): And to give the greater Encouragement to the Soldiers, the Earl of *Montroſe* leading the Van, alighted off his Horſe, and went thro' the River *Tweed* on Foot. So zealous was then that noble Lord for the Covenant. The Army advancing thro' *Northumberland* came to *Newburn* upon *Tyne*, about five Miles from *Newcaſtle* (*d*), where the Lord *Conway* was advantagiouſly poſted with 3000 Foot and fifeteen Hundred Horſe (*e*). The Armies being in View, General *Leſly* ſent a Meſſenger to the Lord *Conway*, deſiring Leave to paſs with a Petition to His Majeſty: To which Anſwer was returned, *That he might have Liberty to paſs with a few, but not with his Army*. Upon which *Leſly* commanded Three Hundred Horſe to ford the River (*f*), which they did: But were obliged to retire by the Muſqueteers firing from behind a Breaſt Work, which *Leſly* perceiving, play'd ſo furiouſly upon it with his Cannon, that the Soldiers ſoon abandoned their Poſts, and fled: Whereupon the *Scots* Cavalry re-advanced: And tho' they meet with ſome Oppoſition, yet the *Engliſh* retired with ſuch Precipitation, that but few of them could be either killed, or taken Priſoners. Our Writers do not well agree about the Loſs and Particulars; Yet the *Engliſh* themſelves don't deny but the Action was unfortunate and diſhonourable as to them, and the Lord *Clarendon* expreſſes his Indignation againſt it, with great Vehemency, and calls it, *An infamous and irreparable Rout* (*g*). The Day after the Victory, the Covenanters were ſaluted by Commiſſioners from *Newcaſtle*, to treat for the Surrender of the Town, which they did: So on *Sunday*, the thirtieth of *Auguſt*, the

(*a*) Dr. Burnet's Memoirs of the Dukes of Hamilton. (*b*) Mr. Echard's Hiſtory of England. (*c*) Mr. Echard Volume 2d, Page 175. (*d*) Ruſhworth's Collections. (*e*) Kennet's compleat Hiſtory of England. (*f*) Relation of the Scots ſecond Expedition into England M: S: penes me. (*g*) In the Hiſtory of the Rebellion, Vol. 1ſt.

the whole Army entred the Town, the Earl of *Lothian* being made Governour of the Place: Here they found the King's Magazine both of Arms and Victuals, as alſo an Opportunity of enlarging Mr. *Colvil*, the Gentleman who was to have been ſent to *France* with the Letter to the *French* King formerly mentioned, for which the Lord *Loudon*, as hath been ſaid, had been queſtioned.

THE Covenanters having ſeated themſelves in *Newcaſtle*, they ſent a Petition to the King, intituled, *The humble Petition of the Lords in the laſt Parliament, and others His Majeſty Loyal Subjects in* Scotland. "In which they 'in General complained of their Grie-'vances: For Relief of which they 'were now conſtrained to come with-'out Prejudice to the Peace of *Eng-'land*, or any of the Subjects there-'in, till they preſſed with Strength 'of Arms, to oppoſe their Paſſage at '*Newburn*: That now they preſen-'ted themſelves to His Majeſty's 'Goodneſs, for Satisfaction of their 'full Demands, and Reparation of 'their Wrongs and Loſſes, with the 'Advice of the Parliament of *England* 'to be conveened." The King, by the Secretary for *Scotland*, the Earl of *Lanerk*, returned an Anſwer, "That 'he expected their Demands in parti-'cular, and commanded them to ad-'vance no further. Which they obey-ed: And three Days after, they returned their Reply to the Earl, declaring, "That as Nothing in the 'World was more eligible to them, 'than His Majeſty's Favour; ſo they 'deſired Nothing but what ſuited 'with His Majeſty's Honour and 'Peace of His Dominions; That they 'would have expreſſed the Particulars 'of their Deſire in their *Petition*, had 'they not before done it in their '*Printed Declarations:* However, they now recited the Sum of them. '*Firſt*, That the late Acts of the Aſ-'ſembly might be publiſhed with the 'States of Parliament (*a*); That *Edin-'burgh* Caſtle and other Forts in *Scot-'land* might be repaired, and uſed for 'their Defence: That their Country-'men in *England* and *Ireland* might 'not be forced to Oaths and Subſcrip-'tions, contrary to *their National 'Oath and Covenant*: That the com-'mon Incendaries in the King's Do-'minions might be brought to Cen-'ſure: That their Ships and Goods, 'with all Loſſes, Damages and Char-'ges, be repaired: That the Decla-'ration againſt them as *Traytors* be 'recalled: That all Garriſons be re-'moved from the Borders, and all 'Impediments that may ſtop a free 'Trade: And that the Parliament of '*England* may meet as ſoon as poſ-'ſible, as the only Means to ſettle 'Peace, and enable them to obey the 'King's Prohibition of advancing fur-'ther: For as Nothing but invin-'cible Neceſſity had brought them 'out of their Country; ſo Nothing 'leſs ſhould draw them beyondthe Li-'mits appointed by His Majeſty.

THE King laid the Covenanters Petition and Demands before the Great Council of Peers, who were now aſſembled at *York*, deſiring their Advice, and what Anſwer to give to the Petition of the Rebels, as he calls them, and in what Manner to treat with them: After the Petition and their other Papers were read, and the Council having conſidered and debated upon them, it was agreed, that certain Lords ſhould be ſent as Commiſſioners to treat with them: Whereupon the Earls of *Hartford*, *Bedford*, *Pembroke*, *Saliſbury*, *Eſſex*, *Holland*, *Briſtol* and *Berkſhire*, the Lords *Mandevile*, *Wharton*, *Dunſmore*, *Paget*, *Brook*, *Savile*, *Paulet*, and *Howard* of *Eſcrick*, were appointed by the King: Thoſe from the *Scots* Army, were the Lords *Loudon* and *Dunfermling*, Sir *William Douglas* of *Cavers*, Sheriff of *Teviotdale*, Sir *Patrick Hepburn* of *Wachton*, *John Smith* Baillie of *Edinburgh*, Mr. *Alexander Wedderburn* Clerk of *Dundee*, Mr. *Alexander Henderſon*, and Mr. *Archibald Johnſton* of *Warriſton* (*b*).

(*a*) Dr. Burnet's Memoirs of the Dukes of Hamilton, and Mr. Ruſhworth's Collections. Moſt of all theſe Papers and Declarations are ſaid to have been drawn by the Lord Loudon. (*b*) Biſhop Guthery's Memoirs, and Mr. Ruſhworth's Collections.

UPON the first of *October* the Treaty began at *Rippon*, a Town about sixteen Miles from *York*, where the Lord *Loudon* made a Speech, wherein, after he had declar'd their Duty and Veneration for their Sovereign, he ran out into great and full Expressions "of their Affection 'to the Kingdom and People of *Eng-* 'land, protesting they had the same 'Regard to their Laws, Liberties and 'Privileges, as to their own: That as 'the Invasions upon their native Coun- 'try had forced them upon this Man- 'ner of Address; so they hoped it 'might prove to the Benefit of *Eng-* 'land and all its Subjects, in affording 'them this Opportunity of vindicating 'their own Liberties and Laws, which 'were infringed by those very Men, 'who, when they had finish'd their 'Work in *Scotland* and *Ireland*, in- 'tended to establish the same Slavery 'in their own Kingdom: All which 'would be prevented by removing three 'or four Persons from about the King, 'who of Himself was graciously in- 'clined to His People; but those ill 'Men had too great an Influence upon 'His Councils." After these plausible Insinuations, he proceeded to this Pro- posal, "That to prevent the Effusion of 'Christian Blood, all Hostility should 'cease on either Side; which could not 'be effectually done, unless present Care 'were taken for the Payment of their 'Army, still restrained to closs and nar- 'row Quarters."

THE Treaty had continued but a few Days at *Rippon*, when the *English* Commissioners returned to the King at *York*, and gave him an Account of what had passed, and how zealous the *Scots* were to His Majesty's Service, which was the more magnified, because they had generously restor'd the Officers taken Prisoners at *Newburn*, particular- ly Commissary *Wilmot*, and Captain *Daniel O-Neal*, who much extoll'd the Strength and Discipline of their Forces. The King was not very well pleased with the Temper of the Commissio- ners; and judging the Parliament would be more jealous of His Honour than they appeared to be, he sent them back to renew the Treaty, and conclude a Cessation of Arms upon the best Terms they could. After many Alterations, and much Time spent, upon the Twenty sixth Day of *October* they agreed on twelve Articles; the Substance of which was, "A present Cessation of Arms, 'with a peaceable Retaining what both 'Parties were in Possession of: A Con- 'tinuation of the Eight hundred and 'fifty Pounds *per diem*, in which Pay- 'ment *Cumberland* and *Westmoreland* 'were also to be included: That the 'River *Tees* was to be the Boundary 'of both Armies, and private Insolen- 'cies to be no Breach of the Treaty." And after all it was agreed, that the Treaty should be adjourned and trans- ferred to *London*, where further De- mands were to be heard.

WHEN the *Scots* Commissioners came to *London* (*a*), they were highly carressed by the Parliament, and a new Committee of both Houses, such as were very acceptable to them, was no- minated to renew the Treaty. Then they publish'd their Declaration against the Archbishop of *Canterbury*, and the Lord Lieutenant of *Ireland*, in which they shew'd, *That as they reserved those of their own Nation, who had been In- cendaries betwixt the two Nations, to the Inquisition of their own Parliament; so they would rest satisfied with what Justice the Wisdom of this Parliament should think fit to decree against these two Cri- minals.* After that they renewed their Demands, which were, in a Manner, all granted to them. As, *First*, "That all 'Acts made in their Parliament should 'be published in the King's Name 'with Consent of the Estates. 2. That 'the Castle of *Edinburgh*, and other 'Forts of the Kingdom should, with 'the Advice of the Estates in Parlia- 'ment, be furnished, and used for De- 'fence of the Kingdom. 3. That all '*Scotsmen* in *England* and *Ireland* 'should be restored to their Liberties, 'and freed from Censure for sub- 'scribing the Covenant, and not be 'obliged to any Oath contrary to the Re-

(*a*) Clarendon and Rushworth's Collections. That learned Author very justly observes, that to the Scots Commissioners were added the Earl of Rothes, and two or three Persons more of inferior Quality.

'Religion there eſtabliſhed. 4. That 'His Majeſty would not imploy any 'Perſons in any Office that ſhould be 'judged incapable by Sentence of Par-'liament, or make Uſe of their Service, 'or grant them Acceſs to His Perſon 'without Conſent of Parliament. 5. 'That all Ships taken and ſtopped 'ſhould be reſtored on both Sides, 'and Four thouſand Pounds immediate-'ly advanced toward ſetting forth 'eighty *Scots* Ships ſtopped in the '*Engliſh* Ports. 6. That from the 'Juſtice and Kindneſs of *England*, Re-'paration be made for the great Loſſes 'the Kingdom of *Scotland* had ſuſtain-'ed, and the vaſt Charges they had 'born in the late Troubles. 7. That 'all Pamphlets, both in *England* and '*Ireland*, writ againſt them be ſup-'preſs'd. 8. That Monuments and 'Tokens of Hoſtility upon the Borders 'of the two Kingdoms be taken away; 'and not only the Garriſons of *Berwick* 'and *Carliſle* be removed, but the 'Works ſlighted, and the Places diſ-'mantled."

THESE Demands were, I ſay, in a great Meaſure granted in the Treaty, only the Sixth concerning Reparation was now debated; for the *Scots* Commiſſioners being deſired to bring in their Account in Writing, they made it to amount to Five hundred fourteen thouſand one hundred twenty eight Pounds nine Shillings; beſides Four hundred and forty one thouſand Pounds for their Loſſes, and Neglect of their Fortunes. Theſe vaſt Sums at firſt ſtartled the Houſe of Commons; but having conſidered the Matter deliberately, they proceeded to this Reſolution, *That this Houſe doth conceive the Sum of Three hundred thouſand Pounds a fit Proportion for the friendly Aſſiſtance and Relief thought fit to be made toward the Loſſes and Neceſſities of our Brethren of* Scotland. And in fine they accepted the Thanks of the *Scots* Commiſſioners for the ſaid Aſſiſtance, and the Stile of *Brethren* given them by the Vote of the Houſe.

THE *Scots* Demands did not paſs ſo eaſily with the King, as they had done with the *Engliſh* Commiſſioners: For His Majeſty knowing much better than they the Conſtitution of the Kingdom, and the Import of the Laws, ſtruggled hard to bring them to ſuch an Agreement, as might lay the Foundation of a firm and laſting Peace. But even in this Caſe he was ſo juſt and ſo generous, as to be much more paſſive and yielding in what related to the Diminution of His own Prerogative, than in what He thought would be prejudicial to His good Subjects, who had and were like to ſuffer for their Adherence to Him. For having yielded to moſt of their other Demands, He ſtuck long about the Article of the Incendaries: He argued it was both unjuſt and diſhonourable for Him to grant an Indemnity to the other Party, and let His Friends be excluded from the Benefit of it; and therefore preſs'd with great Vehemency, that the Oblivion might be without Exception; and the Liſt of thoſe who were ſummoned upon the Pretence of being Incendaries was ſo great, that to abandon ſo many of His faithful Subjects to the Rage and Malice of their Enemies, He thought was ſo diſhonourable, that He could not anſwer for it either to GOD or the World. The Covenanters, to yield ſomewhat to His Majeſty, who had granted ſo much to them, were at length content to reduce their Number to five Perſons, *viz.* the Earl of *Traquair* the Treaſurer, Sir *Robert Spotiſwood* the Preſident, Sir *John Hay* the Lord Regiſter, Biſhop *Maxwel* of *Roſs*, and Dr. *Balcanquel* the Dean of *Durham*: But the King ſtrenuouſly inſiſted, that He could not yield to that Demand, were there but any one excepted; and told them boldly (*a*), that tho' he had better Grounds to purſue ſome of themſelves as Incendaries, yet being willing, for Peace Sake, to diſpenſe with His Reſentments, He had Reaſon to expect the ſame Compliance from them: But they urged their Covenant and Bond for proſecuting them. At length an Expedient was found out, which ſet them at Eaſe; That the Proceſſes that were raiſed againſt them ſhould go out, but that

(*a*) Biſhop Burnet's Memoirs of the Dukes of Hamilton.

their Cenſure ſhould be remitted to the King Himſelf: But then His Majeſty was to paſs His Word of Honour, that He ſhould not for the future employ them in His Service without Conſent of Parliament.

ALL Things being thus adjuſted and agreed on, His Majeſty reſolved to go into *Scotland* to hold the Parliament in Perſon, and to ratify the Act of Oblivion and Pacification. Purſuant to this Reſolution He began His Journey from *London* on the Tenth of *Auguſt* 1641, and riding Poſt in leſs than four Days Time arrived at *Edinburgh*, accompanied with the Prince Elector His Nephew, the Duke of *Lennox*, the Marquis of *Hamilton*, and a ſmall Train of His Nobility.

ON the Nineteenth of *Auguſt* the Parliament met, when His Majeſty made a Speech, wherein He declared, 'That nothing had been ſo diſ-'pleaſing to Him, as thoſe unfortu-'nate Differences happening between 'Him and His People; and nothing 'He more deſired than to ſee that 'Day, wherein he hoped not only 'to ſettle thoſe unhappy Miſtakings, 'but rightly to *know* and to *be known* 'to *His native Country*.' He further declared, 'If Love to His native Coun-'try had not been a *chief Motive* to His 'Journey, other Reſpects might eaſily 'have found a Shift to do that by a *Com-'miſſion*, which He came to perform 'himſelf. Which conſidered, He could 'not doubt of ſuch real Teſtimonies 'of their Affections for the Mainte-'nance of that *Royal Power* He enjoy'd, 'after an *hundred and eight Deſcents*, 'and which they had profeſs'd to main-'tain, and to which their own Na-'tional Oath did oblige them.' *Laſtly*, He aſſured them (*a*), 'That the End 'of His coming was to perfect what-'ever He had promiſed; and withall, 'to quiet all Diſtractions among them, 'which He deſign'd to perform not '*ſuperficially*, but *fully* and *cheerfully*; 'for he could do nothing with more 'Cheerfulneſs, than to give His People '*a general Satisfaction*. Wherefore not 'offering to endear Himſelf by *Words*, 'He deſir'd, in the firſt Place, to ſet-'tle what concerns the *Religion and* '*juſt Liberties* of His *native Country*, 'before He proceeded to any other Act.'

THE publick Proceedings went on very ſmoothly in the Parliament, the King giving Way to every Thing that was propoſed, reſolving to oblige and engage the Nation at any Rate; That in Caſe He came to a Rupture with the *Engliſh*, *Scotland* ſhould ſtand ſtill, and look on in a State of Neutrality. The moſt material Things done in the Parliament, were the Ratification of the Acts of the Aſſembly 1639, wherein the Government of the Church by Archbiſhops and Biſhops was condemned, as *contrary to the Word of GOD* (*b*): The Ratification of the Treaty with *England*: Then in Conſideration that the King muſt of Neceſſity be abſent from His native Kingdom, it was thought fit that the Government of the Kingdom ſhould be intruſted with the Lords of the Secret Council, who were likewiſe made *Conſervators* of the Peace of the two Kingdoms, during the Intervals of Parliament, by whom theſe Lords were to be named, and which once in three Years was to aſſemble without any Summons from the King, if by ſuch a Day he neglected to publiſh ſuch Summons: And for the ſame Reaſon all the Officers of State, as Chancellor, Treaſurer, Secretary, and the reſt, were to be appointed with Conſent of Parliament; but ſtill with all due Regard to His Majeſty's Choice and Approbation. In ſhort, to give the fulleſt Satisfaction that could be thought of, whatever Acts were preſented to Him, concerning Church or State, His Majeſty confirmed (*c*): And in Concluſion, the more to oblige the prime Covenanters, who were thought moſt capable to do Him Service, He conferred Offices and Titles of Honour on them ſuch as they themſelves moſt affected: Accordingly the Lord *Loudon*'s Patent to be an Earl, that had been ſuſ-

(*a*) The Records of this Parliament are either loſt or abſtracted ſince the Reſtoration; but I have ſeen a pretty exact Account of the principal Tranſactions there in Manuſcript, from which much of this Account is taken. (*b*) Reſcinded Acts of Parliament, and Dr. Burnet's Memoirs, who tells us, that the King at this Time declared the Grounds on which he diſpenſed with Epiſcopacy in Scotland, was not from his own Judgment about it, but merely to comply with the Averſion which he found in the Nation to it. (*c*) Memorial of the Parliament 1641, M. S.

ſuſpended, as hath been before mentioned, was now allowed with Rank and Precedency, according to the Date of the Warrant that had paſſed His Majeſty's Hands eight Years before, and he made Lord Chancellor, and firſt Commiſſioner of the Treaſury (*a*). The Earl of *Argyle* was made a Marquis, General *Leſly* was made Earl of *Leven* (*b*), and Keeper of *Edinburgh* Caſtle, the Lord *Almond*, Lieutenant General *Livingſton*, Earl of *Callendar* (*c*), the Lord *Lindſay*, who was in the ſame Caſe as to the Title of Earl of *Lindſay*, as the Lord *London* was, had his Patent now alſo allowed (*d*). The Lairds of *Dudop* and *Arbuthnot*, two Ruling Elders, and violent Aſſerters of the *Covenant*, were made Viſcounts. Sir *Andrew Murray* Miniſter at *Ebdie*, was made Lord *Balvaird*, but I could never underſtand how it was brought about, for he was a very moderate Man, and neither then or ever afterward joined with the violent Party of the Clergy. Two more Gentlemen were knighted, Mr. *Alexander Gibſon* younger of *Dury*, and made Lord Regiſter, and Mr. *Archibald Johnſton* of *Warriſton* Advocate, Clerk to the General Aſſembly, made one of the Senators of the College of Juſtice (*e*).

THESE extraordinary Conceſſions and Favours were not without ſome conſiderable Returns of obliging Words and Promiſes of a Dutiful and Loyal Behaviour for the future, and ſo far they proceeded, as to revive and publiſh thro' the Realm an old Statute, which ordained, *That it ſhould be deteſtable and damnable Treaſon in the higheſt Degree, for any of the* Scots *Nation conjunctly or ſingly to levy Arms, or any military Forces, upon any Pretence whatſoever, without the King's Royal Commiſſion:* And many of the leading Men privately aſſured the King, *That as ſoon as the late Storm ſhould be perfectly calm'd, they would repeal whatever was now unreaſonably extorted from him.* In the mean Time the Parliament finiſhed all Buſineſs, and broke up upon the ſeventeenth of *November*; in the Cloſe of which, the Earl of *Loudon*, the Lord Chancellor, in the Name of the Nobility, and Sir *Thomas Hope* of *Carſe*, who was afterward Juſtice General, in Name of the Gentry, made congratulatory Speeches to His Majeſty, *For having given them full Satisfaction in all Things, both as to their Religion and Liberties*; and the great Guns of the Caſtle were diſcharged as a ſolemn Eccho to their ſeveral Orations. And alſo that Night, in the great Hall of *Holy-rood-houſe*, the King magnificently feaſted all the Nobility, and parted with mutual and indearing Farewells. So that, as a Reverend Prelate (*f*) tells us, it became a publick Saying, *That His Majeſty departed a contented King from a contented People.* The next Morning the King began His Journey towards *London*, and ſo took His final Leave of His native Kingdom, after He had continued in it a little above three Months.

SOON after this, in the Beginning of the Year 1642, Things looking like a Rupture betwixt the King and the Parliament of *England*, the Council of *Scotland*, who by the Treaty of Pacification were the Conſervators of the Peace betwixt the two Kingdoms, ſent up the Lord Chancellor to offer a Mediation betwixt His Majeſty and the two Houſes at *Weſtminſter* (*g*): Whereupon he repaired to *York*, where the Court then remained; and having been admitted to ſeveral Conferences with His Majeſty, upon the Matters then in Debate, he was in the End ſo far ſatisfied with the Juſtice and Honour of His Majeſty's Carriage toward the *Engliſh* Parliament, that he wrote to the *Scots* Commiſſioners at *London*, in the Name, and by the Direction of the Lords of the Secret Council, *That they ſhould preſent to the two Houſes the deep Senſe they had of the Injuries and Indignities which were offered to the King, whoſe juſt Rights they were bound to defend; and that they ſhould conjure them to bind up thoſe Wounds which were*

(*a*) Reſcinded Acts of Parliament. The Earl's Commiſſion bears Date, thirtieth of September 1641, aut vitam aut culpam. (*b*) Charta in publicis Archivis. (*c*) Ibidem. (*d*) 'Tis entred in the Records of the Great Seal, ſixth May 1633. (*e*) Reſcinded Acts of Parliament, and the Biſhop of Dunkeld's Memoirs. (*f*) Biſhop Guthery of Dunkeld. (*g*) Biſhop Burnet's Memoirs of the Dukes of Hamilton.

made, and not to widen them by Sharpneſs of Language, and to give His Majeſty ſuch real Security for His Safety among them, by an effectual declaring againſt Tumults and ſuch other Actions as were juſtly offenſive to His Majeſty, that he might be induced to reſide nearer to them, and comply with them in ſuch Propoſitions, as ſhould be reaſonably made (*a*).

But all the Lord Chancellor's Endeavours, for bringing Matters to an Accomodation betwixt His Majeſty and the two Houſes, proved fruitleſs and to no Effect; ſo his Lordſhip finding he was not in a Condition to ſerve the King that Way, he reſolved to return Home to *Scotland*. At his laſt Audience, His Majeſty parted with his Lordſhip, with many Expreſſions of Kindneſs, and required him to give a full Repreſentation to the Privy Council of the State of his Affairs, and withal to let them know what Conceſſions he had offered to the *Engliſh* Parliament, as Grounds for extinguiſhing the preſent Flame (*b*), which appears the Lord Chancellor did with great Exactneſs and Fidelity.

Soon after this, when Things came to an open Rupture, and the War actually begun betwixt His Majeſty and the two Houſes at *Weſtminſter*, the Privy Council of *Scotland*, who were or called themſelves the Conſervators of the Peace betwixt the two Kingdoms, as is ſaid, thought they could not be ſo far wanting in their Duty to His Majeſty, or to themſelves, as not to try once more what their Offices of Mediation for Peace might do; and if that did not produce the Effect, they deſired to deal with His Majeſty, that conſidering the preſent Juncture, he might be pleaſed to allow the Parliament to meet ſooner than the Time to which their next ſitting was prefixed, in Order to put the Kingdom in a Poſture of Defence, conſidering no Body could account for the Event of the War: Whereupon the Council ſent up the Lord Chancellor to *Oxford*, where the Court then remained, to implore His Majeſty, that they might be allowed to paſs as Mediators in the Differences betwixt him and the Parliament. After the Lord Chancellor had the Honour to kiſs His Majeſty's Hands, a noble Author (*c*) tells us, his Lordſhip uſed all Importunity and Arguments to perſwade the King in private to conſent to the Alteration of the Government of the Church of *England*, aſſuring him, that it would be a Mean, not only to hinder His Subjects of *Scotland* from joining with the *Engliſh* Parliament, but that it would oblige them to aſſiſt His Majeſty to the utmoſt, in the Vindication of all His juſt Rights. But finding the King too ſtrongly fixed, in what he thought a Caſe of Conſcience, to be ſway'd, by a Conſideration of Convenience he dropt the Point, and betoke himſelf to his own proper Errand; which, as hath been ſaid, conſiſted of two Parts, the one to offer the Mediation of the Conſervators of the Peace of the two Kingdoms, for the Compoſure of the Differences between His Majeſty and the two Houſes, and the other, that he would be pleaſed to ſummon a Parliament in *Scotland*. In Anſwer to the firſt Demand of Mediation, His Majeſty told him, *That he could not find any Colour or Pretence of Authority granted by the Act of Pacification, by which the Council of* Scotland *could conceive themſelves intruſted in a Faculty of Mediation; that the Clauſe mentioned by them, related only to the Differences that might grow between the two Nations, which His Majeſty ſaid had been, and ſhould be inviolably obſerved by him: And therefore he could not admit of any ſuch Mediation as they propoſed*: For the other Demand of a Parliament in *Scotland*, the King told him, *That againſt the Time by which they could legally demand a Parliament, naming the Day, which was to be on the firſt* Tueſday *of* June 1644, *he ſhould iſſue out his Writs; and there being no emergent Cauſe to do it ſooner, he would forbear to put his Subjects there to that Trouble, which thoſe Meetings, how neceſſary ſoever, would naturally carry with them.* But his Lordſhip perceiving, that he ſhould not receive Satisfaction

(*a*) Earl of Clarendon's Hiſtory of the Rebellion and civil War. (*b*) Dr. Burnet's Memoirs of the Dukes of Hamilton. (*c*) The Earl of Clarendon in his Hiſtory of the Rebellion.

on in any Part of the Buſineſs he had gone up to negotiate, ſpeedily returned with a ſad and ſorrowful Heart, in a Proſpect of thoſe Calamities he now viſibly foreſaw would follow, as the diſmal Effects of a civil War.

'Tis not my Intention, as hath been ſaid, to proſecute the Hiſtory of the War, which is ſo copiouſly done by the Earl of *Clarendon*; nor do I incline much to meddle in the Tranſactions betwixt the Eſtates of this Kingdom and the Parliament at *Weſtminſter* in the 1643, in Conſequence of which an Army from *Scotland* marched into *England*, and joined the Parliament's Forces againſt the King. The Defection in that Matter, it cannot be denied, was but too general; the eſtabliſhing Presbytery in *England* according to the Covenant, which, in the Language of that Time, was called, *The ſetting Chriſt upon his Throne*, was the Bait that took and brought on that national Confederacy, which many, who went into it with great Zeal, 'tis believed, lived long enough as heartily to repent: But in this Matter, the noble Lord, whoſe Life I am writing, tho' 'tis true he went on with the Stream, yet he was never thought to have been any Way particularly faulty, and the King himſelf always believed his Lordſhip had very entire Affections to him, and well knew that no Man whatſoever was better diſpoſed to hearken to all Overtures of Peace than he: And in this Confidence, when his Majeſty and the two Houſes of Parliament at *Weſtminſter* had agreed to treat upon Propoſals of Peace at *Uxbridge* in the beginning of the Year 1645, the Lord Chancellor was nominated one of the Commiſſioners for *Scotland* to the Treaty (*a*), when he took great Pains on all who were in moſt Credit with the King to convince them of the Neceſſity of yielding in Time, ſince the longer they ſtood out, the Conditions would be the harder; and that the Extremity to which Matters might be carried otherwiſe, made it neceſſary to come to a Peace on any Terms whatſoever, ſince no Terms could be ſo bad as the Continuance of the War. A Peace, we are told by ſeveral Authors of good Credit, was once on a very fair Foot (*b*); but that in the Interval ſome came from the Marqueſs of *Montroſe*, with an Account of what he had done, of the Strength he had, and of his Hopes next Summer, which wrought ſo far upon the King, that the Limitations he put on thoſe he ſent to treat, made the whole Deſign miſcarry, to the great Grief of the Lord Chancellor, ſince nothing in this World could have been more acceptable to him than a happy End of all Differences, and the ſettling of a full and bleſſed Peace.

Shortly after this, the King's Intereſt ſinking into Ruin in all Parts, he thought fit in that Extremity to commit himſelf to the *Scots* Army, then lying before *Newark* (*c*). In Purſuance of this Reſolution, early in the Morning, upon the 27th of *April* 1646, his Majeſty left *Oxford* in Diſguiſe, attended only by Mr. *Aſhburnham* of the Bed-chamber, and Doctor *Hudſon* a Divine, who thro' By-ways and out of the common Road came to Lieutenant General *Leſly*'s Head-Quarters at *Killam*, *May* 4. and the next Day the General prevailed with his Majeſty to give Order to the Lord *Bellaſis* to ſurrender *Newark*, that the Army might freely march away Northward, which they did, the King being with Lieutenant General *Leſly* in the Van, and with uncommon Expedition came to *Newcaſtle* on the 13th of *May* (*d*), where his Majeſty took up his Reſidence in the General's Quarters.

Whilst the King ſtayed at *Newcaſtle*, he ſent a Meſſage to both Houſes at *Weſtminſter*, propoſing that he might come to *London* with Honour, Freedom and Safety, being reſolved to comply with his Parliament in every Thing which ſhould be for the good of Religion and the Happineſs of His Subjects. It was ſometime before they returned the King any Anſwer; yet after

(*a*) Commiſſion by His Majeſty under the Great Seal of Scotland for that Effect may be ſeen in Mr. Ruſhworth's excellent Collections, where the Treaty of Uxbridge is inſert at full length. (*b*) Whitlock and Dr. Welwood's Memoirs. (*c*) Clarendon. (*d*) B. Kennet's compleat Hiſtory of England.

after a long Conteſt and Struggle they compleated the Propoſitions, and ordered them to be carried to His Majeſty about the Middle of *July*. They were Nineteen in Number, and too long to be recited here: In Subſtance they were, firſt, to annul all Oaths, Declarations and Proclamations againſt the Houſes of Parliament, who had been neceſſitated to undertake the War. And next, for the King to Sign and Swear the Solemn League and Covenant, and to join in the utter aboliſhing of all Archbiſhops, Biſhops, Deans and Chapters, *&c.* and that the Ordinance for the Aſſembly of Divines, and Reformation of Religion be confirmed, and that both Nations be brought to Uniformity in Religion according to the Covenant. Beſides theſe Particulars, the Propoſitions did in Effect require His Majeſty to diveſt Himſelf of all Power to protect His People, by putting the *Militia* into the Hands of the Houſes; and that he ſhould leave the greateſt Part of the Nobility and Gentry, who had adhered to him in the War, to inevitable Ruin; ſome of them were to be excluded from all Hope of Pardon, as to the ſaving of their Lives, others to forfeit their Eſtates, and loſe their Liberties; the Clergy to remain under Sequeſtrations, and the Lawiers of both Sorts to be diſabled from the Uſe of their Callings. The forenamed Propoſitions being brought to the King by the Parliament's Commiſſioners, he told them, *He knew not what Anſwer to make to them, till he ſhould be informed what Power or Authority they had left to him and his Heirs, when he had given up all that which they deſired.* But after a full Conſideration and much Oppoſition, he delivered his Anſwer in Writing, in which he told the two Houſes, *That the Propoſitions tendred to him did import ſo great Alterations in the Government, both in the Church and Kingdom, that it was difficult to return a particular and poſitive Anſwer before a full Debate: To which End His Majeſty deſired and propoſed to come to* London, *or any of His Houſes thereabouts, where, by his perſonal Preſence, he may not only raiſe a mutual Confidence betwixt him and his People, but alſo have thoſe Doubts cleared, and thoſe Difficulties explained to him, which he now conceives to be deſtructive to his juſt regal Power, if he ſhould give a full Conſent to thoſe Propoſitions as they now ſtand.*

In the mean Time many of the King's Friends at *Newcaſtle* uſed all Importunity to perſuade His Majeſty to comply with the Parliament; and particularly the Lord Chancellor, who, tho' he confeſſed that theſe Propoſitions were higher in many Things than he approved of, yet he ſaw no other Means for him to cloſe with His Parliament, than by granting what they required; and therefore, in a long Speech (*a*), he preſſed His Majeſty to yield to them, wherein with great Earneſtneſs he plainly told him, 'That 'the Conſequence of His Anſwer to 'the Propoſitions was as great as the 'Ruin or Preſervation of His Crown 'or Kingdom: That the Parliament, 'after many bloody Battles, had got 'the Strong-holds and Forts of the 'Kingdom into their Hands: That 'they had His Revenue, Exciſe, Aſſeſ-'ments, Sequeſtrations, and Power to 'raiſe all the Men and Money in the 'Kingdom: That they had gained 'Victory over all, and that they had 'a ſtrong Army to maintain it; ſo that 'they might do what they would with 'Church and State: That they deſir-'ed neither him nor any of His Race 'longer to Reign over them; and had 'ſent theſe Propoſitions to him, without 'the granting whereof the Kingdom 'and His People could not be in Safe-'ty: That if he refuſed his Conſent, 'he would loſe all his Friends in Par-'liament, loſe the City, and loſe the 'Country, and all *England* would join 'againſt him as one Man to proceſs 'and depoſe Him, and to ſet up an-'other Government; and ſo that both 'Kingdoms for either's Safety would 'agree to ſettle Religion and Peace 'without Him, to the Ruin of His 'Perſon and Poſterity.' And concluded,

(*a*) Which may be ſeen at Large in Mr. Ruſhworth's Collections, and abridged in the Earl of Clarendon's Hiſtory.

ed, 'That if he left *England*, he would 'not be admitted to come and Reign 'in *Scotland*.' But these Sort of Arguments did rather provoke than perſuade the King, who replied with great Reſolution and Magnanimity, 'That no Condition they could reduce 'him to, could be half ſo miſerable 'and grievous to him, as that to which 'they would perſuade him to reduce 'himſelf to; and therefore bade them 'proceed their own Way; *and that tho' 'they had all forſaken him, GOD had 'not* (*a*). It was at this Time Mr. *Henderſon* was employed to perſuade His Majeſty to conſent to the Extirpation of Epiſcopacy out of *England* as he had in *Scotland*. And the Lord *Clarendon* ſays, 'That if His Majeſty would 'have been induced to have ſatisfied '*Scotland* in that particular, they would 'either have had a Party in the Parliament at *Weſtminſter* to have been ſatisfied therewith, or that they would 'thereupon have declared for the King, 'and have preſently joined with the 'Loyal Party in all Places for His Majeſty's Defence (*b*).' But the King, looking on Epiſcopacy as a Matter of Conſcience, could never be perſuaded to buy his Peace at ſuch a Rate, and ſo was unmoveable in that Point to his Life's End.

THE Parliament had now received the Anſwer they expected, and forthwith new Counſels were taken how to bring the King into ſafer Cuſtody, and how to ſend the *Scots* ſpeedily into their own Country. Accordingly the Houſe of Commons, upon Conſideration of a Paper delivered by the *Scots* Commiſſioners, voted, *That the Sum of a hundred thouſand Pounds ſhould be provided for the Advance of the* Scots *Army in* England. And did further reſolve, *That the Houſe do well and thankfully approve of their good Affections and Zeal to this Kingdom, and their Offer to deliver up our Gariſons and depart the Kingdom: That their Arrears ſhould be audited, and in convenient Time paid.* So they proceeded to a particular Reckoning with them. The *Scots* demanded Two Millions of Money from *January* 1643 to *September* 1646. The Parliament accounted for One Million four hundred thouſand Pounds already paid; but the Commiſſioners excepted to ſeveral Particulars in the Account, and offered to accept of a Sum in Groſs, for a full Diſcharge of their Arrears to be agreed on by Commiſſioners who concluded on four hundred thouſand Pounds, of which one Moiety was to be paid before their leaving the Kingdom, and the other within ſtated Terms. So we ſee the delivering up of the King, as is alledged, was no Condition of the Agreement, at leaſt, ſo far as appears from the *Engliſh* Hiſtories themſelves.

UPON the Departure of the *Engliſh* Commiſſioners from *Newcaſtle*, the Lord Chancellor, by His Majeſty's Approbation, went up to treat with the Parliament for a Mitigation of the Propoſitions. When he arrived at *London*, he dealt with all thoſe with whom he had Intereſt, to be ſatisfied that His Majeſty was willing to grant ſuch Conceſſions, as in the Opinion of all peaceable Men, were ſufficient Grounds of Peace: And when the Parliament at this Time paſſed an expreſs Vote, *That His Majeſty ſhould be diſpoſed of as both their own Houſes ſhould think fit*, his Lordſhip, in a free Conference with the two Houſes, in the Name of the Kingdom of *Scotland*, put in their Claim to a joint Right of diſpoſing of His Majeſty's Perſon; and thereupon he made ſeveral Speeches, wherein he talked high *of the indelible Character of Diſgrace and Infamy which muſt be for ever imprinted on them, if they yielded to it.* He further inſiſted, 'That their Army by the Oath of Allegiance, their Committee of Eſtates 'by their Commiſſion, and their Officers by their Military Oath, ought all 'to defend the King from Harms and 'Prejudices:' Often affirming, 'That 'the King came to their Army for 'Shelter.' Adding, 'That it was the 'Law and Practice of all Nations, not 'to deliver the meaneſt Subject fled 'to them, tho' for the higheſt Crime;

(*a*) Clarendon's Hiſtory of the Rebellion. (*b*) Ibidem, Book X. Page 31.

'and, if the meaneſt were not to be 'delivered, how would the World 'condemn them for ſo baſe and diſ-'honourable an Act; the King hav-'ing caſt Himſelf into their Hands? He likewiſe argued; 'If the *Scots* Ar-'my was invited into the Kingdom by 'both Houſes of Parliament, in a Trea-'ty for proſecuting the Ends of the 'Solemn League and Covenant, where-'of one Article is to defend and pre-'ſerve His Majeſty's Perſon, there 'can be no doubt concerning this Ex-'erciſe of that Right and Intereſt in 'this Kingdom.' And therefore won-dred, 'That when upon Invitation 'they were come into *England*, as for 'other Ends, ſo to defend His Maje-'ſty's Perſon; their being in *England* 'ſhould be uſed as an Argument why 'they ſhould deliver up the King to 'be diſpoſed of as both their own 'Houſes ſhould think fit.' The *Engliſh* Parliament replied, 'That the '*Scots* Army came in thither as Auxi-'liaries under Pay, and that therefore 'they ought not to capitulate at all in 'this Matter.' And at length came to this poſitive Aſſertion, 'We do affirm, 'That the Kingdom of *Scotland* hath 'no Right of joint Exerciſe of Inte-'reſt in diſpoſing of the Perſon of 'the King in the Kingdom of *Eng-'land*.'

UPON the Third of *November* the *Scots* Parliament met at *Edinburgh*, where there were great Debates con-cerning the Army and the King's Per-ſon. In Concluſion, they agreed to ſend once more Commiſſioners to His Majeſty, to urge Him to a final and ſa-tisfactory Anſwer to the Propoſitions ſent him from the two Houſes, in-timating, in caſe of His Refuſal, they would withdraw their Army and leave him to the *Engliſh* Parliament. The King refuſing ſuch a Compliance, on the Sixteenth of *January* 1647, it was de-bated in the Parliament what ſhould be done with His Majeſty's Perſon: And according to Biſhop *Guthery* (*a*), it was voted in theſe Words, *That ac-cording to the Agreement of the Com-miſſioners above, the Army ſhould retire, and the King be left to the* Engliſh, *with-out any Conditions for Him or our In-tereſt in Him.* Of this Vote the Duke of *Hamilton*, the Earl of *Lanerk*, the Earl of *Crawford*, &c. were ſtrenuous Oppoſers; and if the Royal Party had not been ſhamefully deſerted by many, who hitherto pretended to be in the King's Intereſt, they had carried their Point, and in Spite of all Oppoſition the King had been brought to *Scotland in Honour, Freedom and Safety.*

THIS Fact, it cannot be denied, had an Appearance ſo infamous and diſho-nourable, that it ſoon became the Mat-ter of Diſcourſe and Cenſure of all Chri-ſtendom; and indeed the Diſgrace of it fell very heavy upon the whole Kingdom of *Scotland*. Many Writers have endeavoured to mollify and palli-ate this Action, and indeed to repreſent it only as a fair Treaty; and particu-larly the Publiſher of Mr. *Ruſhworth*'s two laſt Volumes, for which he inſiſts upon the Lord *Hollis*'s Memoirs, and ſome Particulars in the Treaty. But the moſt material Apology I have met with, is in the Memoirs of Biſhop *Gu-thery* (*b*), who tells us, That the Guilt and Shame due to this Fact ſhould not with Reaſon be imputed to the Gene-rality of the *Scots* Nation: In regard, *Firſt*, of the Nobility, the Liſt of whom, if it be compared with the *Sederunt* of Parliament, it will appear that the third Part of them were not preſent, many having been ſecluded for their known Affections to the King, and o-thers upon various Pretexts, and ſome withdrawing to preſerve their Eſtates from Danger. *2dly*, As for the Gen-try, Burrows, and Commonalty thro' the Land, there was an Hundred to one that abhorred the Fact, and would have inſtructed their Commiſſioners that Way, who were likewiſe over-aw'd in their Votes. And *3dly*, As for the Miniſtry, tho' the Majority in the Committee of the Church were for it, yet throughout the Kingdom, the far greater Part diſallowed of it; only Fear of Deprivation reſtrained them

(*a*) In his Memoirs, Page 193. (*b*) Page 194.

them from giving their Teſtimony againſt it (*a*).

In the Year 1647, the Parliament of *Scotland* reſolving to reſcue the King, now that he was a Priſoner by the *Engliſh* Army, ſent the Lord Chancellor, the Earls of *Lauderdale* and *Lanerk* to treat with His Majeſty in Order to a full Accomodation with this Kingdom. Accordingly a Treaty was ſet on Foot at the Iſle of *Wight*, where the Buſineſs was diſpatched with all poſſible haſte, on Terms of very great Advantage for *Scotland*, as may be ſeen in the Lord *Clarendon*, and no other Writer. The Treaty was managed with the utmoſt Secrecy only by the three Earls; nor did they truſt any one Perſon in *England* with the Knowledge of the Particulars; and to prevent the worſt from Searchers, they made up their Contract in Lead, and buried it in a Garden in the Iſle, from whence they eaſily found Means afterward to receive it (*b*). That which prevailed with His Majeſty to make ſuch large Offers was, That the Commiſſioners themſelves did not expect that he ſhould punctually obſerve the Articles, but the Treaty was only to engage the Kingdom to raiſe an Army, and to unite it to His Majeſty's Service, and to His Reſtoration. After the Commiſſioners Return from *England*, the Parliament met on the ſecond of *March* 1648 (*c*), the Lord Chancellor being choſen to preſide: But the violent Party of the Clergy, who could not be ſatisfied with the Grounds of the Engagement, and preached every where againſt it, *as an unlawful Confederacy with the Enemies of God*, had ſuch Influence with his Lordſhip, that, notwithſtanding of the Solemn Promiſes he had entred into, both to His Majeſty and the Royal Party, he left His Friends and turned over to the other Side (*d*), which laid him open to much Cenſure, both then and afterward, and was thought the true Cauſe of the loſing of his Place at the King's Reſtoration.

Upon the Murder of the King, the Parliament of *Scotland* met, where the Lord Chancellor preſided (*e*), and by their Fourteenth Act, proclaimed his Son King *Charles* II. and ſent over Commiſſioners to treat with Him at the *Hague*. The Treaty was quickly concluded, the King being in no Condition to Struggle with them, but yielded to all their Demands of taking the Covenant, and Suffering none to be about Him, but ſuch as took it. After this they proceeded to the Coronation, which paſſed on the Firſt of *January* 1651, with all the Solemnity and Evidence of Publick Joy that could be expected. When the King was ſeated on the Throne, the Earl of *London*, the Lord Chancellor, made him a Speech to this Effect. *Sir, your good Subjects deſire you may be crowned as righteous and lawful Heir of the Crown of this Kingdom: That you would maintain the preſent profeſſed Religion, the National Covenant, and Solemn League and Covenant: That you would be graciouſly pleaſed to receive them into your Protection, to govern them according to Law, to defend them in their Rights and Privileges by your Royal Power, they offering themſelves in humble Manner to your Majeſty, with their Vows to beſtow Land, Life, and what elſe is in their Power for the Maintenance of Religion, for the Safety of your Majeſty's ſacred Perſon, and Maintenance of your Crown, which they intreat your Majeſty to accept, and pray Almighty God that for many Years you may enjoy the ſame.* To which the King made this Anſwer. *I do eſteem the Affections of my People more than the Crowns of many Kingdoms, and ſhall be ready by GOD's Aſſiſ-*

(*a*) B. Guthery's Memoirs, Page 195, where the Biſhop Remarks, That tho' the Aſſembly had always been careful to conſtitute the Committee of the Church, ſo that the Plurality thereof ſhould run their Way; yet there were found ſome who all along in their Debates exonered themſelves fairly, ſuch as Mr. Andrew Ramſey, and Mr. William Colvil, Miniſters at Edinburgh, Mr. Andrew Fairful Miniſter at North Leith, afterward at Dunce, and upon the Reſtoration was Archbiſhop of Glaſgow, Mr. Robert Knox Miniſter at Kello, Mr. Oliver Colt Miniſter at Inverask, Mr. David Drummond Miniſter at Linlithgow, and Mr. Henry Guthery Miniſter at Stirling, the Biſhop himſelf, the Author of the Memoirs, ſo often mentioned. (*b*) Clarendon's Hiſtory. (*c*) Reſcinded Acts of Parliament. (*d*) Dr. Burnet's Memoirs, and the Earl of Clarendon's Hiſtory. (*e*) Reſcinded Acts of Parliament.

tance to beſtow my Life in their Defence, wiſhing I may live no longer then I may ſee the Religion, and the Kingdom Flouriſh in all Happineſs (*a*).

THE Coronation being over with the cuſtomary Ceremonies and Magnificience, the Lord Chancellor ſtrenuouſly exerted himſelf in all the Ways wherein his Authority was to be interpoſed in forwarding the Levies, and raiſing the Army, which was to march with His Majeſty into *England*, upon which the Fate of *Scotland*, as well as the King's depended, of which his Lordſhip was ſo fully ſatisfied, that upon the firſt Hearing of the News of the Defeat at *Worceſter*, apprehending nothing but Ruin and Deſtruction to every one that were not reſolved to go all the lengths of Compliance that *Cromwell* expected, he had a Mind to keep a good Conſcience, and not to meddle in ſuch a Change as he viſibly ſaw was intended, and thereupon he went up to the *Highlands* to encourage any Loyal Attempt that might be ſet on Foot for the King's Service. Accordingly when the Earl of *Glencairn* ſet up the King's Standard, the Lord Chancellor repaired to him, and by his Influence and Intereſt in thoſe Parts, very conſiderably promoted the King's Intereſt toward that Riſing in the 1653, which in ſuch a Juncture could not fail to be interpreted, as it was, a Piece of very acceptable Service. But before that little Army had been above ſix Months together, there unhappily fell in ſuch fatal Animoſities and Diviſions amongſt the Heads of the Party, that they became jealous of one another; inſomuch that the Earl of *Glencairn*, who had the chief Command, reſolved to have made both the Lord Chancellor and the Lord *Lorn* Priſoners (*b*), but for what Intent was never fully known; his Lordſhip however got ſo much Notice of the Deſign as ſerved him to decline the Danger by retiring further into the *Highlands*, till all their Quarrels ſhould be made up; but their Jealouſies, inſtead of abating, ſtill increaſed, which in a little Time thereafter quite broke that noble Deſign, however rationally it had been at firſt projected.

THIS noble Stand of Loyalty in the Lord Chancellor, however Fruitleſs in the Event, *Cromwell* could never forgive; and therefore, That the Protector, as he called himſelf, might take all the Revenge on the Lord *Loudon* that was in his Power, he gave Order for a preſent Sequeſtration of his Eſtate; but this was not all, for when he paſſed an Act of Indemnity to the People of *Scotland*, both the Lord Chancellor and the Lord *Machlin* his eldeſt Son were excepted out of his *Act of Grace and Favour*, as he called it. That I may give the curious Reader all at once a full View, not only of the Lord Chancellor's Sufferings under *Cromwell*'s Uſurpation, but moſt of the Loyaliſts in the Kingdom at that Time, I have put the Act it ſelf into the Collection of Records in the Appendix.

SOON after this, the *Engliſh* having upon the Matter made an entire Conqueſt of *Scotland*, and thereby any reaſonable Hopes cut off of ſerving the King, His Majeſty was pleaſed to ſend Directions to his Friends, that ſince no Attempt they could make in the Condition they were now in could do him any Service, and would but inevitably ruin and deſtroy themſelves, to make the beſt Terms with the Enemy they could: Whereupon the Lord Chancellor, and moſt of the other Royaliſts throughout the Kingdom, did capitulate with General *Monk*, without any other Engagement than allowing his Friends to give Bail for his living quietly and peaceably at his own Houſe, without taking any Oaths, or ever making the leaſt Step of Compliance to the Powers then in Being.

UPON His Majeſty's Reſtoration, the Earl of *Loudon*'s Merit by his long Sufferings during the Uſurpation was thought a good Title for maintaining him in the Chancellor's Place he had before; eſpecially, ſeeing it had been conferred upon him by His Ma-

(*a*) Ceremony of the Coronation of King Charles II. at Scoon in 1651, prefixed to Mr. Robert Douglas's Sermon preached upon that Occaſion. (*b*) I have been well informed of this Particular from a very good Hand, and Mr. Whitlock has ſomething of it in his Memorials alſo.

Majeſty's Royal Father, with Conſent of Parliament, *aut vitam aut culpam*: Notwithſtanding, the Court knowing his Principles, that he was a zealous Presbyterian, and would never concur with them in the Deſign of ſetting up of Epiſcopacy, reſolved to lay him aſide and make another Chancellor. But then, the Difficulty was upon what Pretence to remove him, ſince they could charge him with no Sort of Compliance with *Cromwell*, which was made the Handle to cut off the Marquis of *Argyle*; and that which was called at this Time, his deſerting the King's Intereſt, in oppoſing the Engagement in the Year 1648, and his heading the Riſing in the *Weſt*, in Oppoſition to the Committee of Eſtates, was all pardoned by the Act of Indemnity in the Parliament at *Stirling* 1651. At length the King himſelf, who could not think of diſmiſſing his Lordſhip but honourably, who, for nine Years paſt, had ſuffered ſo much for adhering to him, moved that he might reſign his Place himſelf, and dropt ſome very kind Expreſſions, inſinuating that he would make it up to him ſome other Way: And thereupon he ſurrendered the Chancellor's Place, which was immediately conferred upon the Earl of *Glencairn*.

The Earl of *Loudon* after this ſat in the firſt Seſſion of the Parliament 1661, where he ſtrenuouſly exerted himſelf in Behalf of his Chief, and his particular Friend the Marquis of *Argyle*, who was then under an Impeachment of High Treaſon, and made a long and learned Speech in his Defence, wherein he gathered the Opinions both of Divines and Lawiers, and laid together a great deal out of Hiſtory, more particularly out of the *Scots* Hiſtory, to ſhew that Men might lawfully ſubmit to an Uſurpation, when forced to it by inevitable Neceſſity, and that had never been cenſured as a Crime: But that on the contrary, in all their Confuſions, the Men who had merited the moſt of the Crown in all its ſhakings, were Perſons who had got Credit by Compliance with the Side that prevailed, and by that Means had brought about Things again. I have been told by a noble Perſon (*a*), that the Lord *Loudon* in that Parliament, tho' he oppoſed the Motion of raiſing and the keeping up of any Force in Time of Peace, yet it being carried that ſome Troops ſhould be raiſed, he both ſpoke and voted for giving ſuch Supplies for maintaining ſuch Forces as were judged neceſſary. I do not find his Lordſhip was preſent in the next Seſſion of Parliament 1662, wherein Epiſcopacy was reſtored; doubtleſs he would have oppoſed it; and therefore choſe rather to ſtay away, ſince he knew he would be able to do little to ſtop the Torrent, unleſs it was to ſatisfie his Conſcience that he had done his Duty. The Changes at this Time is ſaid to have gone very near his Heart, for quickly after this he fell into a languiſhing, which ſpeedily brought his Life to an End. During his laſt Sickneſs, we are told, he attained to a great Compoſure of Mind, and had even a Deſire to be out of the World, having expreſſed his Apprehenſions of ſad Times he foreſaw were like to follow; and exhorted ſuch as were about him, whatever Changes might come, to reſolve to ſuffer, rather than Sin againſt their Conſciences. He died at *Edinburgh* on the 15th of *March* 1663 (*b*); and in about a Month thereafter, he was, with decent Funeral ſolemnity, interred in the Burial-place of his Family in the Old Church of *Loudon*; where the Coats of Arms of theſe eight Noble ancient Families, as his Branches or Probative Quarters, as the Heralds call them, were carried at his Funeral, and hung up over his Grave, *viz.*

Campbel of *Lauers*,
Campbel of *Glenurchy*,
Roſs of *Craigie*,
Earl of *Gourie*,

Lord *Colvil* of *Culroſs*,
Earl of *Gourie*,
Earl of *Mortoun*,
Earl of *Angus*.

(*a*) The Earl of Cromarty, who well knew the Tranſactions of theſe Times; and from his Lordſhip I had this, and many other Particulars that are not to be met with in printed Books. (*b*) Mr. Kirkton's Hiſtory of his own Times, M. S.

By *Margaret* Baroness of *Loudon* his Wife, by whom, as hath been said, he got both the Honour and Estate, he had *James* his Son and Heir, the next Earl of *Loudon*, Mr. *George Campbel*, who died a young Man unmarried, and two Daughters.

Lady *Jean* married to *George* the second Earl of *Panmure*.

Lady *Anne* to *John* the third Lord *Balmerino*.

William Earl of *Glencairn*.

The Family of *Cunningham*, of which the Lord Chancellor was the Chief and Head, was both very ancient and very noble: They have been Earls since the End of the Reign of King *James* III. that that Misfortunate Prince made *Alexander*, then Lord *Kilmaurs*, Earl of *Glencairn*, for his firm and inviolable Adherence to him in all his Troubles; and altho' in the beginning of the Reign of King *James* IV. till Things came to a full Settlement, *Robert*, the first Earl's Son, used only the Title of Lord *Kilmaurs* (*a*); yet he was not divested of the Honour of Earl (*b*), as some have thought, because his Father had been unduly created after the War was begun; and *Cuthbert* Lord *Kilmaurs* his Son's Right is fully recognised as Earl by the same King, in a Charter under the Great Seal of *Scotland*, yet containing no new Creation, but in the customary Form of his own Estate, *Dilecto consanguineo suo*, says the King, *Cuthberto comite de Glencairn*, in the Year 1509. By *Margaret* his Wife, Daughter of *Archibald* Earl of *Angus* (*c*), he had *William* the next Earl; his Son, who was a Nobleman of great Parts and Abilities, while he was only Master of *Glencairn*, in the Minority of King *James* V. he was nominated to be Lord High Treasurer of *Scotland Anno* 1526, with Consent of the Lords of the Regency (*d*); but at the Instance of the Earl of *Angus*, and for Peace Sake, he quit his Pretensions to the Post, which was thereupon given to Sir *Archibald Douglas* (*e*). He married first *Katharine*, Daughter of *William* Lord *Borthwick* (*f*), and again *Margaret*, Daughter and Heir of *John Campbel* of *Wester Loudon* and *Stevenson*, and had *Alexander*, called the *Good Earl*, for his great Zeal in promoting the Reformation of Religion: By *Jean* his Wife, Daughter of *James* Earl of *Aran* (*g*), he had *William* the sixth Earl, who had as clear a Reputation for Vertue as any Man of Quality whatsoever; by *Margaret* his Wife, Daughter of *James* Gordon of *Lochinvar*, he had *James* Earl of *Glencairn* his Son, who was a very particular Favourite of King *James*'s, and was always much relied on by that Prince as a Man of great Honour and Fidelity: By *Margaret* his Wife, Daughter of *Colin Campbel* of *Glenurchy* (*h*); he was the Father of *William* the Eight Earl of *Glencairn*, who, by *Janet* his Wife, Daughter of *Mark* the First Earl of *Lothian*, had *William* Earl of *Glencairn* the Lord Chancellor.

He was born in the 1610, and educate as other young Noblemen of that Time, both at Home and in Foreign Parts: About the Time he returned from his Travels, he came to be Earl of *Glencairn* by the Death of his Father, in the Year 1631 (*i*), and was soon thereafter called by His Majesty King *Charles* to His Privy Council; and in all Things that related to the Crown he behaved very well, and before the Troubles, for any Thing that appears, his Lordship seems to have been a Man well composed to the Government, both in Church and State.

I observe the Earl did not go in with any Heat into the Covenant at the beginning of the War, nor did he take it till it was enjoyned by His Majesty's Autho-

(*a*) Charta in Rotulis Jacobi IV. (*b*) Gift under the Great Seal of the Non-entry of the Lands of Finlaston to William Bishop of Argyle, since the decease of William, Cuthbert, and Robert, Earls of Glencairn in the 1550. (*c*) Records of Parliament, and a Charter under the Great Seal in the Publick Archives. (*d*) Warrant in the Registers of the Privy Seal for a Commission to pass the Seals, constituting William Master of Glencairn, Treasurer for four Years thereafter. (*e*) Charta in publicis Archivis. (*f*) Ibidem. (*g*) Ibidem. (*h*) Charta penes comitem de Glencairn. (*i*) Charta in cancellaria, S. D. N. R. whereby William Earl of Glencairn is retoured to William Earl of Glencairn his Father.

Authority *(a)* to be ſubſcribed by People of all Qualities and Degrees in the 1639, as a Mean to quiet the Country, and to extinguiſh the preſent Flame *(b)*. The King was ſo well pleaſed with his Lordſhip's Conduct during the late Commotions, that of his own free Motion he named him one of the Lords of the Treaſury, when the Treaſury was turned into Commiſſion by Act of Parliament in the Year 1641, his Collegues being the Earl of *Loudon* the Chancellor, the Marquis of *Argyle*, the Earl of *Lindſay*, and Sir *James Carmichael* Treaſurer-deput *(c)*.

In the Convention of the Eſtates *Anno* 1643, the Earl of *Glencairn* was one of the Peers who joined with the Duke of *Hamilton*, the Earls of *Lanerk* and *Roxburgh*, in oppoſing the Nation's engaging to ſend an Army into *England* under the Obligation of the Solemn League and Covenant, and to join with the Forces of the Parliament at *Weſtminſter*; which His Majeſty took as ſo great an Obligation, that he was graciouſly pleaſed to acknowledge the Earl's Service in a Letter under his own Royal Hand, wherein he ſays, *He underſtood by* Hamilton *and* Lanerk *how affectionately and reſolutely he had behaved himſelf in what concerned his Service. I might*, adds he, *better have expected it from ſome I have more obliged, but your Thanks ſhall be the more; and that you may the cheerfullier continue, I give you this Aſſurance upon the Word of a Prince, that I ſhall never retract any Thing I have granted either in Religion or Liberty to my Subjects of* Scotland; *and for your own Part I will not die in your Debt (d)*.

Altho' the Earl after this, in the Heat of the Times, was driven into ſome unwarrantable Actions, that he himſelf never pretended to juſtifie; yet the King, who ſeldom ſuſpected thoſe whom he once truſted, did not depart preſently from his Confidence in the Earl, but cheerfully and heartily concurred in the Parliament's Choice of naming him Juſtice General, when the Place became void by the Death of Sir *Thomas Hope* of *Carſe* in the Year 1646 *(e)*.

In the Parliament 1648, the Lord Juſtice General heartily eſpouſed the King's Intereſt, and with great Zeal went in to the Deſign of engaging the Nation to reſcue the King from his Impriſonment, and the Parliament of *England* from the Force it was put under by the Army. But after the Defeat of the *Scots* Army under Duke *Hamilton*, when the violent Party, who had oppoſed the Engagement, got the Government into their Hands, they paſſed an Ordinance, declaring all who had ſerved or aſſiſted in the Engagement incapable of bearing any Office in the State, or ſitting in Council or Parliament, till they had firſt ſatisfied the Kirk, by a Publick Profeſſion of their Repentance for being acceſſory to the *unlawful Engagement*, as it was called. By theſe Judgments the Earl of *Glencairn*, among others was deprived of being Juſtice General, and the Office was given to the Earl of *Caſſils* *(f)*.

Upon the Invaſion of *Scotland* by *Cromwell* after Duke *Hamilton*'s Defeat, that the violent Party got the Government into their Hands, the Earl of *Glencairn*, well knowing the Power of his Enemies, and their Animoſity againſt him, thought it adviſeable to get out of their Reach, that he might not expoſe himſelf to be impriſoned, or proceeded

(a) Dr. Burnet's Memoirs of the Dukes of Hamilton, in the Charge againſt the Duke at Oxford. *(b)* Reſcinded Acts of Parliament, and Acts of the General Aſſembly 1639. *(c)* Act ordaining the Commiſſioners for the Treaſury, ſeventeenth November 1641, among the reſcinded Acts of Parliament. *(d)* Original Letter in the Cuſtody of the Earl of Glencairn, which I have had the Honour to peruſe, and from whence this Copy is taken; 'tis dated at Oxford the Twenty ninth of October in the Year 1643. As this Letter ſhews what Senſe the King had of the Earl's Appearance in his Service at this Time, ſo it ſerves to juſtifie His Majeſty from that Calumny his Enemies caſt on him, That all his Conceſſions were but extorted from him, and that he intended not to ſtand to them any longer than he lay under that Force that drew them from him, contrary to his own Inclination, ſince he declares on his Princely Word, that he would never retract any of his Conceſſions to his People. *(e)* Reſcinded Acts of Parliament, and Sir John Scot's ſtaggering State of the Scots Statſmen, M. S. penes me. *(f)* Reſcinded Acts of Parliament, where there is a particular Act, called a Decreet againſt the Earl of Glencairn, Fifteenth of February 1649; and the Fifeteenth of March thereafter there is another Act electing the Earl of Caſſils Juſtice General.

proceeded againſt with greater Rigour; and therefore, having found Means to withdraw and get out of the Way where Enquiry might be made for him, he lay concealed amongſt his Friends, in Expectation of a better Seaſon, in which he might avowedly appear in His Majeſty's Service, upon which he had his Heart ſo much ſet. But this Union of the Parties, which all good Men ſo paſſionately deſired, was not perfected till after the Defeat at *Dunbar*, that His Majeſty in the Parliament at *Stirling* brought all the Lords of the Engagement thither, tho' they were not allowed to ſerve according to their Birthright in Parliament, till they were obliged, as a noble Hiſtorian obſerves, *To wipe off thoſe Stains with which the Engagement had defaced them, by ſubmitting to ſtand publickly on the Stool of Repentance, acknowledging their former Tranſgreſſions* (*a*), as they all did.

I will not purſue the Relation of the March to *Worceſter*, nor the total Defeat given the King's Army, on the third of *September* 1651, the ſame Day on which *Dunbar* Fight had been fought the Year before: Theſe Things are ſo well known, that I can add nothing to the common Relations that have been over and over given of them by all our *Britiſh* Hiſtorians; but ſhall proceed to obſerve, That when *Cromwell* followed the King into *England*, he left Lieutenant General *Monk* with an Army he thought ſufficient to reduce the reſt of the Kingdom, no Place nor Perſon making any Reſiſtance but the Town of *Dundee*, which, after a few Days Siege, was taken by Storm, where much Blood was ſhed, and the Town was ſeverely plundered. The Low-Countries of *Scotland* being thus reduced, this gallant Earl went into the *Highlands* in the Year 1652, and, by his Intereſt and Activity, got the Principal Heads of the Clans, who were moſt powerful in the *Highlands*, and of known Affections to the King, to declare for His Majeſty (*b*); whereupon his Lordſhip ſent an Expreſs to the King, offering, if he were authorized, to draw a Body of Horſe and Foot together in the *Highlands*, wherewith he might infeſt the Enemy by Incurſions into their Quarters, and be ready to ſubmit to Lieutenant General *Middleton*, aſſoon as he ſhould arrive there, with a Supply of Arms and Amunition. Accordingly the King ſent a Commiſſion to the Earl, who behaved very worthily, and gave General *Monk* much Trouble (*c*): With the Commiſſion His Majeſty wrote the following Letter with His own Hand, directed, *For the Earl of* Glencairn, and ſigned with His Sign Manual. This Letter, ſo much to the Honour of the Family, was never yet publiſhed, but was ſent me for that Purpoſe by the Right Honourable the Earl of *Glencairn*, and here follows,

GLENCAIRN,

I Am much ſatisfied with the News I have lately ſeene from you, and with the Aſſurance that you continue your old Zeal and Affection to me, which I never doubted, though there have bean many Changes ſince wee parted. I hope our Affairs will ſhortly mende in all Places; and you may bee very confident, tho' you hear little of my ſtiring, that I omitte nothing that is in my Power to mend the Condition of us all. You will find a ſhort Accounte of what I have deſigned, and wiſh to bee done in your Partes, in the incloſed Relatione, under ane honeſt Hand, which you will know, through whoſe I ſhall be glade to receive frequent Advice from you. I ſuppoſe Middleton *will give you a large Relatione, and will not bee longe from you; in the mean Time you ſee how much I depend upon your Afectione, Intereſt and Conduct, of which you will make uſe att ſuch Time, and in ſuch maner as in your Judgment you find beſt for my Occaſiones. I need not adviſe you to conſult with B.* which is meant of the Lord *Balcaraſs, if you can with Conveniency, to whom you will convoy the incloſed Letter. The Bearer is a Perſon of great Honeſty and Courage, and I have not bean able to reward him ſo much, as for his Journy: You moſt, with the Help of our other Frinds, take Care that hee bee not only no looſer by ſuch good Services, but that hee bee upon any good Occaſione preferred to a Charge worthy of his Experience and*

(*a*) Clarendon's Hiſtory. (*b*) Mr. Whitlock's Memorials. (*c*) Clarendon, Page 506.

and Mettle, which I know hee will execute very well. Whatever Diſcourſes you hear, be confident I am the Man you wiſh wee to bee; and very heartily,

Your conſtant and affectionat Frind,

PARIS, *March* 14. 1653.

Charles R.

BUT the Earl preſſing very earneſtly that Lieutenant General *Middleton* might be ſent over to compoſe ſome Animoſities and Emulations, which were growing up to the breaking of that Union, without which nothing could ſucceed, His Majeſty, about the ſame Time that the Earl of *Rocheſter* was diſpatched for *Ratisbon*, ſent likewiſe General *Middleton* to *Scotland*, with a few Officers of that Nation, and ſuch a Supply of Arms and Amunition, as by the Activity and Induſtry of the Lieutenant General could be got upon the Credit and Contribution of ſome Merchants and Officers of the *Scots* Nation, who were willing to redeem their Country from the Slavery it was in. With this ſlender Aſſiſtance he tranſported himſelf into the *Highlands*, where, to his great Grief, he found the Officers more broken with Faction amongſt themſelves, than by the Enemy, nor was he able to reconcile them. Whereupon the Earl of *Glencairn* delivered up the Command of the Troops, who were about 3000 Men, Horſe and Foot (*a*), to Lieutenant General *Middleton*, and condeſcended to fight a Duel with an inferior Officer, Lieutenant General *Monroe*, who provoked him to it after he was out of his Command. *Whether he was troubled*, ſays the Earl of *Clarendon*, *to have another command over him, who, upon the Matter, had no other Men to command, but what were raiſed by him, though he had exceedingly preſſed* Middleton's *being ſent over to that Purpoſe, or whether convinc'd of the Impoſſibility of the Attempt*; I cannot pretend to determine: But he retired firſt to his own Houſe, and then made his Peace with General *Monk*, that he might live quietly, and retained ſtill his Affection and Fidelity to the King, *which he made manifeſt afterwards*, adds the noble Author (*b*), *in a more favourable Conjuncture*; and at the ſame Time he excuſed himſelf to the King for giving over an Enterprize, which he was not able to proſecute: To end this Matter all at once, in the 1654, Major General *Morgan* marched into the *Highlands*, and had an Engagement with *Middleton*, which broke that whole Matter (*c*), of which 'tis ſaid all People were grown weary, ſince there was no Proſpect of Succeſs, and General *Monk*'s ſevere Proceedings had ſtruck a Terror into the Hearts of the whole Nation (*d*). We may here obſerve, that, tho' by the Capitulation with General *Monk*, the Earl of *Glencairn* was ſafe as to Life, yet the Forfeiture and Sequeſtration of his Eſtate was never taken off, till within a little of the King's Reſtoration (*e*).

THE Earl of *Glencairn* was one of the Peers General *Monk* called to the Convention he ſummoned when he was to march his Army into *England* in 1659. I have been informed by a Perſon of Honour, that his Lordſhip, both in the Meeting and in Private, preſſed his Excellency to declare for a free Parliament, which was generally underſtood to be *the declaring for the King*: But, from the General's wary Temper, finding little or no Ground to believe he had any Thought of ſerving the King, he made his Applications next to Mrs. *Monk* the General's Lady, to whom he ſpoke out, and told her, that as nothing could be a greater Glory to the General than to call Home the King, now that it was in his Power; ſo he might depend not only upon the Royaliſts, but the whole *Scots* Nation, who would riſe upon the Matter to a Man, and ſtand by him in ſo juſt and loyal a Deſign as the reſtoring of the King to the Throne of his Royal Anceſtors. Mrs. *Monk* related the Conference ſhe had with the Earl to her

(*a*) Biſhop Burnet's Hiſtory of his own Time. (*b*) The Earl of Clarendon's Hiſtory of the Rebellion. (*c*) Whitlock's Memorials. (*d*) Clarendon, Book XIII. Page 447. (*e*) Scobel's Collection of Acts and Ordinances of Cromwel's Parliaments.

Husband very faithfully; and, tho' he ſeemed to take little or no Notice of it at the Time, yet he afterward did not ſtick to own, and when it was of no little Advantage to the Earl, it made a great Impreſſion on him, and gave him very great Encouragement to proſecute the Deſign, which we ought to believe he had then in his Heart, tho' in Prudence he was obliged to manage the Affair with more than ordinary Secrecy and Wariness. It is Glory enough to General *Monk*'s Memory, that he was honoured to be God's Inſtrument in the bringing about that great Turn of the Reſtoration, which it cannot be denied he alone had the Merit of.

THE King being now happily reſtored, the Earl of *Glencairn* went up to congratulate His Majeſty, and his Lordſhip having a great Stock of Merit upon the Account of his Sufferings, was received into a high Degree of Favour, and was ſent down, and had Orders to call together the Committee of Eſtates. This was a Practice begun in the late Times: When the Parliament made a Receſs, they appointed ſome of every State to ſit, and to act as a Council of State in their Name till the next Seſſion, for which they were to prepare Matters, and to which they gave an Account of their Proceedings. When the Parliament at *Stirling* was adjourned, the King being preſent, a Committee had been named; ſo ſuch of theſe, as were yet alive, were ſummon'd to meet, and to ſee to the Quiet of the Nation, till the Parliament ſhould be brought together, which was not to meet before the *January* thereafter.

ON the Twenty third of *Auguſt* 1660 the Committee met (*a*), where the Earl who preſided, manag'd Matters ſo as were thought proper for the preſent Occaſion. The chief Things done in the Convention were the Seiſing on ten or twelve of the proteſting Miniſters, who had met at *Edinburgh*, and had before them a Paper they had drawn in the Nature of a Remonſtrance, putting the King in Mind of the Covenant, which He had ſo ſolemnly ſworn while among them, for which Mr. *Guthery*, who had been Miniſter at *Stirling*, afterward ſuffered. The Committee ſummoned likewiſe a great many before them at the King's Inſtance, requiring them to give Bail, that they ſhould appear at the opening of the Parliament, and anſwer to what ſhould be then objected to them; and particularly Sir *Archibald Johnſton* of *Wariſton*, who had been Lord Advocate and Regiſter in the late Times: But, it ſeems, apprehending he might be thrown in Priſon if he appeared, he kept out of the Way, and thereupon was declared Fugitive.

THE Miniſtry being now to be ſettled, the Earl of *Glencairn* was made Lord High Chancellor of *Scotland* for Life, upon the Surrender of the Office by the Earl of *Loudon* (*b*), and on the Twenty eight of *February* thereafter he took the Oath *de fideli* (*c*), which was adminiſtred to him in Parliament by the Lord Regiſter Sir *Archibald Primroſe*. I had almoſt forgot he was alſo now conſtituted the firſt Lord of the new Privy-Council that was fixed at this Time (*d*), and Sheriff of *Air*-Shire, an Office which had been hereditary for ſeveral hundred of Years before in the Family of *Loudon*, but had been acquired by the Crown from the late Lord Chancellor, before the Beginning of the Troubles.

THE next Thing that fell under Conſideration was the Settling of the Church, and whether the Biſhops were to be reſtored or not? The Earl of *Glencairn* and moſt of the Royaliſts went into the Change with great Zeal. That which had laid in their Minds a great Prejudice againſt Presbytery was the Oppoſition the Aſſembly had made to the *Engagement* in the Year 1648, and the *Remonſtrance* that was offered to the Committee of Eſtates in 1650, wherein they moved, that the King's In-

(*a*) Records of the Convention of 1660, among the publick Records at Edinburgh. (*b*) Charta in Cancellario. S. D. N. R. The Commiſſion bears Date Nineteenth of January 1661, the Office being then, ſays His Majeſty, in his own Hands, per dimiſſionem Joannis Comitis de Loudon. Etiam charta penes Comitem de Glencairn. (*c*) The News Prints of the Time, called Mercurius Caledonius. (*d*) Original Commiſſion and Nomination of the Council, Thirteenth February 1661, in the publick Archives at Edinburgh.

Intereſt might be excluded out of the State of the Quarrel with them and the *Engliſh* Army; which indeed expoſed them to much Cenſure: But that which was moſt of all urged by the Patrons of Epiſcopacy for the Change, was the Diviſions and Breaches in the Church betwixt the publick *Reſolutioners* and the *Remonſtrators*, from whence they took Occaſion to ſhew the Impoſſibility of maintaining the Government of the Church in a Parity, and the Neceſſity of ſettling a Superiot Order over them to keep them in Unity and Peace.

In the mean Time the Lord Chancellor and Dr. *Sharp* went up to Court to preſs the Change, they aſſured the King, that tho' the Nation, as they acknowledged, had been very averſe to Epiſcopacy; yet the violent Proceedings of the Presbyterians while they governed, had made ſuch a Change in Peoples Tempers, that they were now much altered; and that it would be found that the greater and honeſter Part of the Nation deſired Epiſcopacy; one Synod, they ſaid, meaning that of *Aberdeen*, had as good as petitioned for it, and many others wiſh'd for it, tho' the Share they had in the late Wars made it not fit nor decent for them to move in it: And to preſs the Matter Home, Dr. *Sharp* told the King, that none but the *Proteſters*, of whom he had a very bad Opinion, were againſt it; and of the *Reſolutioners* there would not be found Twenty to oppoſe it. The great Promoters of the Change of the Government in the Church amongſt our ſelves were mightily encouraged in the Deſign by the Earl of *Clarendon*, the Chancellor of *England*, and the Duke of *Ormond*, the Lord Lieutenant of *Ireland*, who ſet it on with great Zeal, he ſaid it would be hard to maintain the Government of the Church in *Ireland*, if Presbytery continued in *Scotland*, ſince the Northern Counties were the beſt ſtock'd of any they had: As they were originally from *Scotland*, ſo they would ſtill follow the Way of that Nation. Upon all this Diverſity of Opinion, the Thing was propoſed in a *Scots* Council at *Whitehall*, the Earl of *Crawfurd* the Treaſurer, who was a noted Presbyterian, and the Earl of *Lauderdale* the Secretary, declared themſelves againſt it; the Duke of *Hamilton* and Sir *Robert Murray* were only for delaying the making any ſuch Change, till the King ſhould be further ſatisfied concerning the Inclinations of the Nation. The Reſult of all the Debates was, that a Letter ſhould be writ to the Privy-Council of *Scotland*, intimating the King's Intentions for ſetting up of Epiſcopacy, and demanding their Advice upon it: When the Earl of *Glencairn* the Lord Chancellor came down, he ordered His Majeſty's Letter to be read the firſt Council Day thereafter; all preſent ſpoke warmly for Epiſcopacy, but the Earl of *Kincardine* alone: He propoſed that ſome certain Methods might be taken, by which they might be well informed, and ſo be able to inform the King of the Temper of the Nation, before they offered an Advice that might have ſuch Effects as might very much perplex, if not diſorder all their Affairs. This was all the Oppoſition was made at the Board; ſo a Letter was writ to the King from thence, encouraging Him to go on, and aſſuring Him the Change He intended, would give a general Satisfaction to the main Body of the Nation. Upon that the Thing was reſolved on; ſo it remained only after this to conſider the proper Methods of doing it, and the Men who were to be preferred to the ſeveral *Sees*, the Care of which, I have been informed, was pretty much left to Dr. *Sharp*, who was himſelf promoted to the Archbiſhoprick of St. *Andrews*: The Archbiſhoprick of *Glaſgow* was given, by the Primate's Means, to his Friend Mr. *Andrew Fairfoul*, formerly Miniſter at *Leith*, and then at *Dunce*; Biſhop *Sideſerf*, who had been Biſhop of *Galloway* before the Troubles, and was the only one of the old Biſhops then alive, was removed to *Orkney*; and the *See* of *Galloway* was given to Mr. *James Hamilton* Miniſter at *Cambuſnethan*, the Lord *Belhaven*'s Brother; Dr. *Robert Lighton*, Principal of the College of *Edinburgh*, and formerly Miniſter at *Newbottle*, was named by the King, of his own proper Motion,

to the *See* of *Dunblain*, and would have been an Ornament to a greater Biſhoprick. The Earl of *Middleton*, then His Majeſty's High Commiſſioner, procured the Biſhoprick of *Edinburgh* to Dr. *George Wiſehart*, who had been Miniſter at *South-Leith* before the Troubles, but was deprived of his Function, and excommunicate for refuſing to take the Covenant; and after that had fled beyond Sea, and followed the Fortune of the Marquis of *Montroſe* into foreign Parts, and waited on him in the Quality of his Chaplain. The Commiſſioner got alſo two other Biſhops named, as I have been well informed, Mr. *David Strachan* Parſon of *Fettercairn*, his own Pariſh Miniſter, to the Biſhoprick of *Brichen*, and Mr. *David Fletcher* Miniſter at *Melroſs*, and the new Lord Advocate Sir *John Fletcher*'s elder Brother, to the Epiſcopal *See* of *Argyle*. The Biſhoprick of *Aberdeen* was fill'd with Dr. *David Mitchel*, formerly one of the Miniſters of *Edinburgh*, and now a Prebend of *Weſtminſter*, who was promoted to the *See* by the Intereſt of the *Engliſh* Biſhops: Mr. *Murdock Mackenzie*, who had been, in the Time of the Troubles, Miniſter at *Elgin*, and, as I am informed, once moſt zealous for the Covenant, was preferred to the Biſhoprick of *Murray*, Mr. *John Paterſon* Miniſter at *Aberdeen*, who had been always reckon'd a moderate Man, was made Biſhop of *Roſs* upon the Archbiſhop of St. *Andrews*'s Recommendation, as was alſo Dr *Patrick Forbes*, to the *See* of *Caithneſs*, and Mr. *George Halliburton* Miniſter at *Perth*, to the *See* of *Dunkeld*. The Lord Chancellor got one Miniſter Mr. *Robert Wallace* at *Barnweill*, who was allied to him by his Wife, preferred to the pooreſt Biſhoprick of all the *Iſles*: He was, as I have always heard, a very harmleſs Sort of Man, and counted a very moderate Biſhop.

ALTHO' the Earl of *Glencairn* had a large Share in ſetting up of the Biſhops, as, in his Opinion, neceſſary for preſerving the Peace and Quiet of the Church; yet, as I have been informed by a Perſon of Honour, he was but for *a moderate Sort of Epiſcopacy* (*a*), and never had a Thought of carrying the Power of the Biſhops higher than it had been in the Time of King *James*, when they did not pretend to more than a Precedency among the Clergy, with ſome Authority in Ordination, and a Negative in Matters of Juriſdiction: For his Lordſhip, being a wiſe moderate Man, and having obſerved the ill Effects of the former Violence, reſolved, while he was at the Head of the Government, to keep Things in as great Temper as was poſſible, and to proceed but ſlowly in Matters that related to the Settling of the Church. This Temper in the Lord Chancellor begot firſt a Coldneſs, and then a total Breach betwixt him and the Archbiſhop Dr. *Sharp*, who was for carrying Conformity to the eſtabliſhed Church further than he thought conſiſtent with the Quiet of the Nation. Their Debates came to a great Height: At length the Primate went up to Court in the Year 1663, to complain of the Lord Chancellor, as cold and remiſs in executing the Laws about Conformity; and to repreſent, that unleſs more Spirit were put in the Adminiſtration, it would be impoſſible to preſerve the Church. I know not what was the Reſult of the Complaint, further than that a High Commiſſion Court was thereupon ſet up, and a Letter wrote to the Council, tho' I know nothing of its being mov'd by the Primate, as ſome alledge, giving the Archbiſhop of St. *Andrews* Precedence of the Lord Chancellor (*b*): However this Affair, how ſmall a Matter ſoever in it ſelf, yet was extreamly ſhocking, and ſunk deep into the Lord Chancellor's Heart; for being apprehenſive, it would ſeem, his Intereſt at Court was falling, when he ſaw another ſet above him, to whoſe Advancement he had ſo eminently contributed himſelf, was thought had an ill Effect on his Health, and haſtened his Death; for in little more than three Months thereafter, he fell into a Fever at *Belton* in *Eaſt-Lothian*, his Lady's Join-

(*a*) Hiſtory of the Church and State of Scotland, eſpecially in the Reign of King Charles II. M. S.
(*b*) Records of the Privy-Council in the Secretary's Office at Edinburgh. The King's Letter for this Effect bears Date the Sixteenth of January 1664.

Jointure Houſe, who had been Counteſs of *Tweedale* before, which, in ſeven or eight Days, carried him out of the World upon the Thirtieth of *May* 1664, in the Fifty fourth Year of his Age. Upon the Twenty eight of *July* thereafter, he was, with great State and Magnificence, buried in the South-eaſt Iſle of the Cathedral Church of St. *Giles* at *Edinburgh*. His Funeral Sermon was preached by the Archbiſhop of *Glaſgow* Dr. *Burnet*, in which he gave his Lordſhip's Character fully, as to the Nobility of his Birth and Deſcent, his ſolid Piety, his excellent Parts, his eminent Loyalty, and moſt ſingular Temperance and Sobriety in a Time when that Virtue was but too moderately practiſed.

The Lord Chancellor, by his firſt Wife the Lady *Anne Ogilvie*, Daughter of *James* the firſt Earl of *Finlater*, had a numerous Iſſue of both Sexes, *viz.*

William Lord *Kilmaurs*, a noble Youth of fine Parts, and, as I have been told, of very promiſing Hopes and Expectations, who was untimely ſnatcht away by Death, when he had not fully attained to the Age of Eighteen Years, to the great Regrete of all his noble Relations.

James Lord *Kilmaurs*, who married the Lady *Elizabeth*, Daughter of *William* Duke of *Hamilton*, but died in the Lifetime of his Father, without Iſſue.

Alexander, who was his Father's Succeſſor, and the Tenth Earl of *Glencairn*, who, by *Nicolas* his Wife, eldeſt Daughter and Co-heir of Sir *James Stewart* of *Strabrock*, had only one Daughter the Lady *Margaret*, married to *John* the fourth Earl of *Lauderdale*.

John who was his Brother's Heir both in his Eſtate and Honour.

Lady *Jean* the Lord Chancellor's eldeſt Daughter, was married to *William* the firſt Earl of *Kilmarnock*.

Lady *Margaret* the ſecond, to *John* the ſecond Lord *Bargeny*.

Lady *Anne* the third, who died unmarried.

Lady *Elizabeth* the fourth, to *William Hamilton* of *Orbeſton*.

He married to his ſecond Wife the Lady *Margaret Montgomery*, Daughter of *Alexander* Earl of *Eglinton*, and Widow of *John* the firſt Earl of *Tweedale*, but by her he had no Iſſue, at leaſt that ſurvived their Father.

John Duke of *Rothes*.

The Earl of *Rothes*, the Duke's Father, was a Nobleman of very good Parts, and of great Addreſs (*a*): He became the principal and governing Perſon of the Presbyterian Party, by heading the Oppoſition the Court met with in the Parliament 1633, in the Matter of the King's appointing the Habits of Churchmen as a Part of the Prerogative. He no leſs ſtrenuouſly oppoſed the Change of the Conſtitution of the Church, that was deſigned in the Year 1637; and when the Country formed the firſt Oppoſition they made to the King's Proclamations, and proteſted againſt them, he took the firſt Proteſtation, tho', without Doubt, the Matter in the Event went further than was intended; but by the Conceſſions His Majeſty granted at the Treaty of *Ripon*, which ſatisfied all peaceable Men, who had nothing further in View than the redreſſing of Preſſures and Grievances the Kingdom lay under, he was gained entirely to the King's Side, and undertook to ſettle *Scotland* to His Majeſty's Satisfaction, and he would very probably have effected this, if he had lived a little longer: But about the Time the King ſet out for *Scotland* to hold the Parliament in the 1641, he fell Sick at *London*, and died (*b*), to the great Prejudice, as was thought, of His Majeſty's Service, ſince he was a wiſe Man, and would have propoſed and adviſed moderate Courſes; and as the Earl of *Clarendon* ſays, *It was certain the King expected by his Help and Intereſt to have found ſuch a Party in* Scotland, *as would have been more tender of his Honour then they after expreſſed themſelves, and did always impute the failing thereof to the Abſence of the Earl, who being Sick at the King's going from*

(*a*) The Earl of Clarendon's Hiſtory of the Rebellion, and civil War, Vol. I. (*b*) Clarendon's Hiſtory of the Rebellion.

London, *within six Weeks after died (a)*. By the Lady *Margaret Erskine* his Wife, Daughter of *John* Earl of *Mar*, Lord High Treasurer of *Scotland*: By the Lady *Mary Stewart* his Wife, Daughter of *Esmae* Duke of *Lennox*, he had *John* Earl, and after Duke of *Rothes*, the Lord Chancellor his Son and Heir.

THIS noble Lord being left young at his Father's Death, his Education was much neglected by reason of the War; but being a Man of great Vivacity of Parts, and of fine Address, he went thro' all the great Offices he was employed in with admirable Sufficiency. The young Earl of *Rothes* was one of the first of the Peers who waited on the King, when he came over from *Breda* in 1650; and quickly got so far into His Majesty's Favour, that on the Solemnity of the Coronation, on the first of *January* 1651, his Lordship had the Honour to carry the Sword of State, as the Earl of *Eglington* did the Spurs, the Earl of *Crawford-Lindsay* the Sceptre, and the Marquis of *Argyle* the Crown (*b*).

WHEN the Parliament at *Stirling* rais'd an Army for restoring the King to his lost Dominions of *England* and *Ireland*, the Earl of *Rothes* being now of Age, put himself in Arms, and by his Interest and Activity in the County of *Fife*, where he was High-Sheriff, he got together a Regiment of Horse, on the Head of which he marched to the Battle of *Worcester*, and charged on that Part where Lieutenant General *Middleton* was, *Where*, a noble Author tells us, *there was a brave Resistance, and they charged the Enemy so vigorously, that they beat the Body that charged them back, but they were quickly overpowered (c)*. Among many other Persons of Quality, who had the ill Fortune to fall into the Enemies Hands, the Earl of *Rothes* was one (*d*), whereupon he was sent to the Tower of *London*, where he was kept, and in other Prisons for some Years, till towards the End of *Cromwell*'s Life, by the Countess of *Dysart*'s Interest with the Protector, he was set at Liberty (*e*), and that near two Years before the rest of his Fellow-prisoners, the Earl of *Crawford-Lindsay*, the Earl of *Lauderdale*, who was afterwards Duke, and the Lord *Sinclair*, were released by those who called Home the King.

WHEN it was fixed the King should be restored, the Earl of *Rothes* went over to *Breda* to pay his Duty to His Majesty, and having the Merit of a long Imprisonment to recommend him, was received into a high Degree of Confidence and Favour, which continued to his Death. He came over to *England* with the King, and so soon as the Ministry for *Scotland* was settled, he was constituted Lord President of the Privy-Council (*f*), and one of the four Extraordinary Lords of the Session: Further upon the Fall of the Earl of *Middleton*, he was made Lord High Commissioner to represent His Majesty's Royal Person in the third Session of the Parliament, which met at *Edinburgh* on the 18th of *June* 1663 (*g*).

IN this Session the Proceedings of the former Parliament in the Matter of the *Bi'loting* was laid open (*h*), which finished the Lord *Middleton*'s Disgrace, by whom that extraordinary way of incapacitating was contrived. Another material Act passed at this Time, appointing a national Synod to be held, in order to prepare Matters for regulating the Worship and Government of the Church, to which the Earl of *Rothes* was appointed His Majesty's Commissioner (*i*). But the late Troubles having demonstrate the Necessity of carrying on that Matter with great Caution, the Design was let fall, at least the Synod never met. The last Act of all that passed this Session was thought a very pompous Compliment to

(*a*) Clarendon's History of the Rebellion, Vol. I. Page 280. (*b*) Ceremony of the Coronation of King Charles II. at Scoon, in Mr. Innes's Collections from the Herald's Office, who himself was Lyon-Depute, very civily communicated to me by Mr. Innes his Son. (*c*) The Earl of Clarendon's History of the Rebellion and civil War in England, Book XIII. Page 409. (*d*) Several Historical Narratives of the Fight at Worcester on the third of September 1651. (*e*) This Particular I was informed of by a Person of Quality, who well knew many of the Transactions of those Times. (*f*) His Lordship's Commission under the Great Seal bears Date nineteenth of January 1661, in the Chancery Office at Edinburgh. (*g*) Acts of Parliament. (*h*) Records of the Parliament 1663, in the Publick Registers at Edinburgh. (*i*) Commission under the Great Seal in the Publick Records in the Chancery Office.

to the Crown. In it they made an Offer to the King of an Army of Twenty thouſand Foot and two thouſand Horſe, to be ready upon Summons to march with forty Days Proviſion into any Part of His Majeſty's Dominions, to oppoſe Invaſions, to ſuppreſs Inſurrections, or for any other Cauſe, in which His Authority, Power or Greatneſs was concerned.

THE Earl growing daily more and more in Favour, and continuing to be, what he was before, Preſident of the Council, he was now alſo made Lord High Treaſurer (*a*), in Place of the Earl of *Crawfurd* his Father in Law, who quite the white Staff, and all other Employments, becauſe he would not abjure the Covenant by taking the *Declaration*, which had been enjoined to be taken by all in Publick Truſt the Year before. About the ſame Time the Lord Treaſurer got a Troop of the Guards, and was made General of the Forces; and quickly thereafter, upon the Death of the Earl of *Glencairn* the Chancellor, in the Year 1664, as hath been ſaid, he was conſtituted Lord Keeper of the Great Seal, and all this without parting with any other of his Employments, which was much murmured at, to ſee one Man poſſeſs ſo many of the Chief Places of the Kingdom: But the King loved the Earl of *Rothes*; and the Earl of *Lauderdale*, who was the Prime Miniſter, would not oppoſe his Advancement (*b*). All theſe great Offices his Lordſhip held for the Space of three Years, till the 1667, upon a Change of Meaſures at Court, he was removed from all his Poſts, and made Lord Chancellor for Life (*c*). A learned Author tells us, *That the Lord* Rothes *excuſed himſelf from being raiſed to that Poſt all he could, and deſired to continue Lord Treaſurer; but he ſtruggled in vain, and was forced to ſubmit at laſt* (*d*). In the mean Time His Majeſty, at the Earl's Deſire, gave him an Exoneration, and an Approbation of all his Services in the different Stations he had gone thro' under the Great Seal in the moſt ample Manner his Lawiers could deviſe. I will not enter upon the Hiſtory of the Times, during the Lord Chancellor's Adminiſtration, which is ſo fully opened by a late learned Author: But ſhall proceed to obſerve, that his Lordſhip having diſcharged this and all the other great Offices he was intruſted with to His Majeſty's entire Satisfaction; he was graciouſly pleaſed, in Reward of the Lord Chancellor's long and faithful Services, to raiſe him to the Honour of Duke of *Rothes*, and to the Heirs male of his Body. The Patent being ſomewhat ſingular and curious, I ſhall here inſert it.

CAROLUS Dei gratia, Magnæ Britanniæ, Franciæ & Hiberniæ Rex, fidei defenſor, omnibus probis hominibus ſuis ad quos preſentes literæ pervenerint, ſalutem. Sciatis nos animo revolventes predilectum & fidelem noſtrum conſanguineum & conſiliarium Johanem comitem de Rothes, ſummum noſtrum cancellarium antiqui noſtri Regni Scotiæ, firme fidelitatis, & in nos noſtrumque imperium amoris & obſequii inditia & experimenta plurima & inſignia dediſſe, fervido non ſolum zelo jura noſtra promovendo, ſed & gravia, & per duræ quæque pro nobis premente noviſſima uſurpatione preferendo; Recordantes, etiam quam grate, eximè & fortiter mandata noſtra ſit executus, officiiſque a nobis ipſi concreditis, a noſtra uſque reſtauratione fideliter ſit functus; Primo preſidis noſtri ſecreti conſilii, deinde ſummi Regni noſtri Scotiæ Commiſſionarii, poſtea Theſaurarii, ac multis retro annis ſummi Cancellarii fidem inclite exolvens, cumque pradictus comes ſublimia hæc munera obeundo cariſſimum nobis ſeſe rediderit: Ergo, in conſpicuam & ſplendidam amoris & benevolentiæ noſtræ Regiæ teſſeram, ob inſignia ipſius animi dotes integritatem, merita & gravamina pro nobis perpeſſa, ipſum, ſuoſque heredes ſubnominandos in altiorem honorem & dignitatis gradum elevare cupientes; Fecimus, conſtituimus

(*a*) Commiſſion under the Great Seal, June 15. 1663, in the Publick Archives. (*b*) The learned Biſhop Burnet in the Hiſtory of his own Times. (*c*) His Commiſſion to be Lord Chancellor is in October 1667. (*d*) Biſhop Burnet in the Hiſtory of his own Times.

& creavimus, tenoreque preſentium facimus, conſtituimus & creamus, dictum Joannem comitem de Rothes, Rotheſiæ ducem, Marchionem de Bambrich, comitem de Leſly, vicecomitem de Lugtoun, & Dominum Auchmutie & Caskieberry, dando & conferendo, ad & in favorem dict. Joannis comitis de Rothes, heredumque maſculorum ex ſuo corpore dictum duciæ titulum, gradum, honorem & dignitatem declarand. & ordinand. dictum Joannem comitem de Rothes, & dict. hæredes maſculos ex ſuo corpore eſſe & fore Rotheſiæ duces, &c. & ita omni tempore futuro deſignari, &c.

Declaran. omnimodo, ſecuti per preſentes ſpecialiter providetur & declaratur, quod preſens hæc litera noſtra nullo modo prejudicabit titulum, honorem & dignitatem comitis de Rothes, neque jura & diplomata ejuſdem dicto comiti, ejuſque predeceſſoribus competen. & conceſſ. ita quod heredes taliæ, & proviſionis dict. Joannis comitis de Rothes, qui jus ſuccedendi in & ad titulum, honorem & dignitatem dict. comitis de Rothes, eodem modo, & æque libere, ac ſi hæc preſens litera noſtra diplomatis, nunquam conceſſ. fuiſſit, &c. Apud caſtrum noſtram de Windſor, vigeſſimo nono die menſis Maii, mileſſimo ſexcenteſſimo octuageſſimo (a).

His Grace the Lord Chancellor from henceforeward had the higheſt Meaſure of Truſt and Confidence of any Subject whatſoever, both with the King and his Royal Highneſs the Duke of *York*: But, to let us ſee there is no permanent Felicity in this Life, before he had enjoyed the Title of Duke little above one Year, he fell into an ill Habit of Body, under which he languiſhed for two Months or thereabouts, till Death removed him from this earthly Stage of Mortality, at his Lodgings in the Abbey of *Holy-rood-houſe* on the Twenty ſeventh of *July* 1681, the very Day before the Duke of *York*'s Parliament ſat down (*b*), in the Fifty firſt Year of his Age. His Corps, for the greater Solemnity, were privately carried up in the Night to the Cathedral Church of St. *Giles*, within the City of *Edinburgh*, from whence, with the greateſt Magnificence and Solemnity that could be deviſed, he was tranſported down again to the Abbey Church of *Holy-rood-houſe*, where he was depoſited for ſome Time, and from thence, with the ſame Funeral Pomp, went down to *Leith*, and was put on Board a ſmall Veſſel, and carried over to *Fife*, and interred in the Church of *Leſly* amongſt his noble Anceſtors (*c*).

The Duke of *Rothes* was married to the Lady *Anne Lindſay*, eldeſt Daughter of *John* Earl of *Crawfurd* and *Lindſay*, Lord High Treaſurer of *Scotland*, a Lady of great Parts and far greater Vertues, by whom he had only two Daughters, the Lady *Margaret Leſly* Counteſs of *Rothes*, on whom the Duke her Father had ſettled his Eſtate, the Honour of Earl of *Rothes* being to deſcend to her and her Heirs, the Title of Duke extinguiſhing with his Grace himſelf. She was married to *Charles* the fourth Earl of *Haddingtoun*, by whom he had *John* the late Earl of *Rothes*, and *Thomas* the preſent Earl of *Haddingtoun*. The Duke of *Rothes*'s ſecond Daughter, the Lady *Chriſtian Leſly* was married firſt to *James* the third Marquis of *Montroſe*, Mother by him to his Grace the preſent Duke of *Montroſe*, and again to Sir *John Bruce* of *Kinroſs* Baronet, but had no Iſſue.

George Earl of *Aberdeen*.

When I wrote the Peerage of *Scotland*, I had not then ſeen the Charters and other Writings of the ancient and honourable Family of *Haddo*, ſo as to enable me to ſet down ſuch a regular and well vouched Genealogy of it, as I would have wiſhed; but now having peruſed a vaſt many authentick Documents relating to the Lord Chancellor's Anceſtors, I think it but a Piece of Juſtice incumbent on me to ſupply that Defect all I can, and, ſo far as I am in a Condition, to make this Work a Kind of Supplement to my other Book: This has been my Method hitherto in this Under-

(*a*) Charta in cancellaria, S. D. N. R. ad annum 1680. (*b*) Biſhop Burnet's Hiſtory of his own Times. (*c*) Deſcription of the Solemn and Pompous Funeral of the Duke of Rothes, M. S.

Undertaking, and I design to prosecute it after the same Manner to the End; and therefore take the following Memoirs of the House of *Haddo*, as I have faithfully framed them, from their own Charters, the publick Archives, the old Chartularies (*a*), the national Historians, and other ancient Memorials, both in Print and Manuscript (*b*), that were in my Hands, when I wrote the Earl of *Aberdeen*'s Life: So without any further Introduction, I shall proceed to observe, That it is generally agreed on by all our Antiquaries that this ancient noble Family, of which we are now to treat, was the first Branch of the Illustrious House of *Gordon*, as far back as the Reign of *Alexander* III. when the principal Family of *Gordon* came then to an Heir Female, *viz.* Dame *Alice de Gordon*, the Daughter and sole Heir of Sir *Thomas de Gordon* Lord of *Gordon*, who was married to a Male Relation of her own, Sir *Adam de Gordon*, who in right of his Wife came to be the Head of this Illustrious Family.

THIS Lady Dame *Alice de Gordon* with Consent and Assent of Sir *Adam de Gordon* her Husband, ratifies and confirms to the Abbot and Convent of *Kelso* the Donation of the Church and Church Lands of *Gordon* formerly mortified by her Ancestors to that Abbacy, and particularly the Gifts, *Quas Richard de Gordon, proavus suus, Thomas de Gordon, avus suus, aut, Thomas de* (*c*) *Gordon, pater suus*, made to the aforesaid Monastry *in Territorio suo de Gordon* (*d*).

BUT this Sir *Adam Gordon*, who married the Heir Female of the Lordship of *Gordon*, was not the only Male Branch of the Family, even at that Time: For we find another Sir *William de Gordon* who got sundry Lands from King *Robert* the *Bruce*, in Reward of his great Merit and Services to that most Glorious Monarch, and is the same Sir *William de Gordon*, as I take it, who, together with the Bulk and Generality of the *Scots* Nation, a little before that, swore Fealty and Allegiance to King *Edward* I. of *England*; and that for an Estate he held in *Berwickshire*, the Lands they say of *Coldingknows*, which is well known were the original Patrimonial Estate of the ancient Family of *Haddo* (*e*), which this Sir *William Gordon* got off the House of *Gordon* after his Nice Dame *Alice* was married to Sir *Adam Gordon*, and so was the Heir Male of this most noble Family, being younger Son of Sir *Thomas de Gordon* Lord of *Gordon*, who designs himself *Thomas de Gordon filius Richardi de Gordon, when he confirms his Father's Donations to the Monks of* Kelso *out of the Lordship of Gordon* in pure and perpetual Alms (*f*).

THIS Sir *William de Gordon*, or *William* his Son, which of the two its not quite certain, the Heir Male of the ancient Family of *Gordon*, as hath been said, transplanted himself from the *South* to the *North* with Sir *Adam de Gordon* his near Relation, in the Time of King *Robert* I. when that illustrious Monarch bestowed upon Sir *Adam* the Lands and Barony of *Strathbolgy* then in the Crown, by the Forfeiture of *David de Strathbolgy* Earl of *Athole*, and that in Reward of his most eminent Loyalty and consummated Merit, as the original Charter still extant bears (*g*). Sir *William Gordon* the younger, being a Person of great Merit, obtained a fair Estate by the Marriage of *Conea*, Daughter and sole Heir of *John de Citherista*, Lord of the Barony of *Methlick*, &c. in the County of *Aberdeen* (*h*), whereby a fair Estate was provided to any Heirs he should raise by the Lady, and which their Posterity still enjoy. From the Barony of *Methlick* the *Gordons* of this Race assumed their first Title and Designation, and by which for many Ages they have been well known throughout the whole Kingdom.

(*a*) Particularly of the Abbacy of Kelso in the Lawiers Library at Edinburgh, M. S. (*b*) That in my View is a full and distinct Genealogical Deduction of the principal Family of Gordon, and all its Branches from the Time of King Malcolm till the 1635, M. S. in my Hands. (*c*) Chartullary of Kelso in the Lawiers Library at Edinburgh. (*d*) Chartullary of Kelso. (*e*) Genealogy of the House of Haddo, M. S. (*f*) Chartullary of Kelso. (*g*) Charta penes ducem de Gordon. (*h*) There are many Charters granted to the Family of the Citherist, Harper in the Rolls of King Robert I. and King David II. in our Publick Records in the Parliament House at Edinburgh.

In the Time of King *James* II. *Patrick Gordon* of *Methlick*, the Head of this noble Family, was, with his Couſin the Earl of *Huntly* at the Battle of *Arbroath*, on the Side of the Crown againſt the Earl of *Crawfurd*, then in Rebellion, where he was ſlain fighting gallantly in the Service of his Country, 25th *January* 1445 (*a*); he left a Son *James Gordon* of *Methlick*, who, in Remuneration of his Father's Merit, had a Grant from the aforeſaid King of a great Part of the Barony of *Kellie*, then in the Crown by the Forfeiture of *Alexander* Earl of *Crawfurd*.

This ancient Family promiſcuouſly deſign'd of *Methlick* and *Haddo*, how ſoon they are to be met with in our publick Records, are poſſeſſed of an ample Eſtate, the Groſs of which they held of the Crown (*b*); but a perfect Connection is the more difficult to make up, by Reaſon of the Diſaſter the Family met with in the Time of the Civil War, when their Houſe of *Kelly*, which Sir *John Gordon* of *Haddo* held out for the King's Service againſt a ſtrong Party of the Covenanters, was not only plunder'd and burnt, and his Family Writs utterly deſtroyed, but his Life alſo taken away for his firm and inviolable Adherence to his Sovereign King *Charles* I. I ſay, for that Reaſon, 'tis impoſſible there can be ſuch a full and clear Connection betwixt *Patrick Gordon* of *Methlick*, who was kill'd at the Battle of *Arbroath* aforeſaid, and his original Anceſtor Sir *William Gordon* of *Coldingknows*, who firſt fixed his Reſidence in *Aberdeen* Shire. Such a *Hiatus*, even tho' we did not account how the Writs of the Family of *Haddo* were deſtroyed in the Year 1643, is no Speciality in this noble Family, many ſuch Defects are to be met with in the Deſcent of the moſt ancient and illuſtrious Families in the Kingdom. Indeed it is no Wonder many of our beſt Families have ſo few of their old Charters and Family Writs preſerved, if we conſider how many of them have been deſtroyed, not only by the Calamity of the War betwixt the two Nations before the Union of the Crowns; but alſo by the private Family Feuds, which univerſally abounded throughout the Kingdom in former Times, and which were carried on with the utmoſt Rancour and Animoſity. This will more fully appear, if we but conſider what a *Hiatus* there is to be ſeen in the lineal Deſcents, not only of the Nobility of our own Kingdom, but of the *Engliſh* alſo, by turning over the *Baronage* of *England*, or the *Peerage* of *Scotland*.

But to return to *James Gordon* of *Methlick* and *Haddo*, who, from the Authorities here cited, plainly appears to be the Heir male of the ancient Family of *Gordon* of *That-ilk*, even while they were ſeated in *Berwick* Shire, flouriſhed under King *James* III. He ſeems to have been a very prudent Man, for, to his own ancient Eſtate, he acquired ſeveral other Lands, which are ſtill in the Poſſeſſion of the Family. He left Iſſue by : : : Daughter of : : : his Wife,

Patrick his Son and Succeſſor.

Robert Gordon of *Fetter-Letter*, whoſe only Daughter and Heir was married to Sir *George Gordon* of *Gight* (*c*).

Alexander the third Son, being a younger Brother, devoted himſelf to the Service of the Church; and taking holy Orders, he was firſt made Rector of *Fetteresſo*, after that Precentor of *Murray* (*d*), and at length was preferred to the Epiſcopal *See* of *Aberdeen*, then void by the Death of the celebrated Biſhop *Elphinſton*, *anno* 1515 (*e*), where he ſat till his Death in the 1518 (*f*).

George Gordon of *Auchinhouſe*.

James Gordon, the fifth Son, betook himſelf to the Service of the Church; and entering into the ſacred Function was made Rector of *Lonmay*, and a Prebend of *Aberdeen*.

Iſabel his eldeſt Daughter was married to *Alexander Allardyce* of *That-ilk*, by whom he had only one Daughter married to : : : *Irvine* of *Drum* (*g*).

Mar-

(*a*) Mr. Drummond of Hathornden's Hiſtory of the Five King James's. (*b*) Many Charters under the Great Seal prove this in the publick Regiſters. (*c*) Manuſcript Hiſtory of the Gordons penes me. (*d*) Archbiſhop Spotiſwood's Hiſtory of the Church of Scotland, and the Chartulary of the Epiſcopal See of Aberdeen, M. S. in the Lawyers Library. (*e*) Charta in publicis Archivis, ad annum 1515. (*f*) Vitæ Epiſcoporum Aberdonen. M. S. penes me. (*g*) Genealogical Hiſtory of the Gordons M. S. penes me.

Margaret the ſecond was married to *Alexander Fraſer* of *Dores*, and again to *Robert Arbuthnot* of *That-ilk* (*a*), Anceſtor to the preſent Viſcount of that Name.

Patrick Gordon, the next Baron of *Haddo* and *Methlick*, was alſo a Gentleman of great Frugality and Virtue; he made very conſiderable Additions to his Eſtate by Purchaſes from the Lord *Sinclair*, the Biſhop of *Aberdeen*, and others: All which were ingroſſed in a Charter, and confirmed under the Great Seal of King *James* III. *anno* 1487 (*b*). He married *Marion*, Daughter of Sir *James Ogilvie* of *Finlaten*, Anceſtor to the preſent Earl of that Name (*c*), by whom he had Iſſue,

George his Son and Heir apparent, who died in the Lifetime of his Father; but left a Son *James*, by *Margaret* his Wife, Daughter of - - - *Hay* of *Dalgaty*, who ſucceeded his Grandfather (*d*).

Alexander Gordon of *Brakie* his ſecond Son. There is a Charter in the publick Records to *Alexander Gordon*, Son to *Patrick Gordon* of *Melthick* of the Barony of *Knockinbleus*, *in dominio de Garrioch*, *anno* 1529 (*e*).

THE third Son *James Gordon* (*f*).

HE had alſo two Daughters, one married to - - - *Forbes* of *Towie*, and the other to - - - *Cumine* of *Altar*.

THIS *Patrick Gordon* of *Haddo*, of whom we are ſpeaking, died very aged in the 1533, and was immediately ſucceeded by *James* his Grandſon, who, the Year before his Grandfather's Death, married *Marjory*, Daughter of *Gilbert Menzies* of *Findon* (*g*), and Siſter to Sir *Thomas Menzies* of *Pitfodal*, Comptroller of *Scotland* in the Reign of Queen *Mary* (*h*), by whom he had

Patrick his eldeſt Son and Heir apparent, who carried down the Line of his ancient Family,

Robert Gordon of *Faach* (*i*).

James,

David, of whom are deſcended that Branch of the *Gordons* of *Nether-Muir* (*k*).

John Gordon of *Tilliebilt* (*l*).

Alexander Gordon (*m*).

THIS *James Gordon* of *Haddo* and *Methlick* was, like his Father and Grandfather, a very frugal Gentleman; and made likewiſe ſeveral conſiderable Purchaſes, which he annex'd to his Eſtate, and took Care they ſhould deſcend entire to the Heir of the Family. When the Troubles began in the Reign of Queen *Mary*, he was one of thoſe Barons who ſign'd the Aſſociation for the Defence of the young Prince King *James* VI. in 1567, judging, as many other Loyal Subjects of all Ranks did, that the Queen's Reſignation was a free and voluntary Deed of her own (*n*): But how ſoon this Loyal Gentleman came to know how the Queen had been abuſed, and that the Surrender of the Crown had been extorted from Her Majeſty thro' Fear and Force, he adhered to Her Intereſt with great Fidelity, and join'd the Earl of *Huntly*, the Queen's Lieutenant in the North, which gave the Regent no ſmall Trouble and Vexation.

Patrick Gordon of *Haddo*, Son and Heir apparent of *James Gordon* of *Methlick*, in 1563 married *Agnes*, Daughter of *Andrew Fraſer* of *Muchill*, Anceſtor to the Lord *Fraſer* (*o*), by whom he had a Son,

James Gordon of *Haddo*, who ſucceeded his Grandfather, who died in the Month of *May* of the Year 1582 (*p*); and the ſame Year, with Conſent of his Curators, he married the Lady *Jean Keith*, Daughter of *William* Lord *Keith*, and Siſter of *George* Earl *Mariſhall* (*q*), by whom he had *George* his Succeſſor, and *William Gordon* (*r*) Eſq;

WHICH *George* married *Margaret*, Daughter of *Alexander Bannerman* of *Watertoun* and *Elſick* (*ſ*), by whom he had *John* his Son and Heir, who was retoured to his Grandfather, who died in the Month of *November* 1624 (*t*).

THIS Gentleman, being a Perſon of great Loyalty and Magnanimity, was

(*a*) Genealogical Hiſtory of the Gordons, M. S. penes me. (*b*) Charta in publicis Archivis, ad annum 1487. (*c*) Hiſtory of the Gordons. (*d*) Ibidem. (*e*) Charta in publicis Archivis. (*f*) Hiſtory of the Gordons, M. S. (*g*) Ibidem. (*h*) Charta in publicis Archivis, ad annum 1546. (*i*) Ibidem. (*k*) Genealogy of Gordons. (*l*) Ibidem. (*m*) Ibidem. All theſe Sons are ſubſtitute to others in an Entail of the Lands of Kirktoun by their Father in the 1555, in the Records. (*n*) The Original of this Aſſociation is in the Library of the College of Glaſgow. (*o*) Charta in publicis Archivis ad annum 1567. (*p*) Ibidem. (*q*) Ibidem. (*r*) Genealogy of the Gordons, M. S. (*ſ*) Ibidem. (*t*) Charta in Cancellaria, S. D. N. R. ad annum 1624.

pitched on by His Majesty King *Charles* I. next in Command to the Marquis of *Huntly*, to conduct such Forces as were raised by Virtue of the King's Commission, to oppose the Covenanters Army in the 1639; and, at the Fight at *Turref*, he behaved with great Courage and Valour. After the Pacification, Sir *John* repaired to His Majesty while he lay at *Newark* upon *Trent*; when, to reward his eminent Loyalty, He was graciously pleased to make him a Baronet, *anno* 1642.

When the Civil War again broke out, Sir *John Gordon* did most eminently signalize himself in Behalf of His Majesty and the Royal Cause.

In the 1643 he held out and defended his House of *Kelly*, as hath been formerly told, against a strong Party of the Covenanters, for the Space of six Weeks; but being disappointed of the Succours and Relief he had Ground to expect from the North, and the Garrison reduc'd to the greatest Extremity, he was at length obliged to capitulate: But notwithstanding of the Capitulation, he was no sooner brought before the principal Officer, but the Officer, by Direction from his Superiors, made him a Prisoner, and sent him under a strong Guard to the Castle of *Edinburgh*, and his House was plundered, and burnt down to the Ground at the same Time.

After Sir *John* had lain some Time in Prison he was indicted of High Treason, for what he had acted at the Fight at *Turref*; all which had been particularly indemnified by the Act of Pacification, which he pleaded before the Judges; and likewise produced the King's Commission, by Vertue of which he had acted: Whereupon the Judges demurr'd, and sent Sir *John* back to Prison. Quickly after this the governing Party, being resolv'd to cut off this Loyal Gentleman in a seeming Way of Justice, made an Act, declaring, *That Treason might be committed against the Estates of the Kingdom, as well as against the Sovereign Himself*: And upon this Retrospect Act, Sir *John Gordon* was anew tried; and, being found guilty, was adjudged to lose his Head; which Sentence was accordingly execute upon him at the Cross of *Edinburgh*, on the 10th of *July* 1644 (*a*).

After his Death his Estate was forfeited, and the Sequestration continued till the Restoration of the King, that Sir *John Gordon* of *Haddo*, Sir *John*'s Son, was restored to his Father's Estate, *per modum justitiæ*, in the 1661.

This Loyal Gentleman married *Mary*, Daughter of *William Forbes* of *Tolquhoun*, by *Mary* his Wife, Daughter of Sir *Walter Ogilvie* of *Dunlugus*, by whom he had Sir *John* his Son and Successor, and Sir *George Gordon* thereafter Earl of *Aberdeen*, and a Daughter married to Sir *John Forbes* of *Watertoun*, and had Issue.

Which Sir *John* married . . . . Daughter of *Alexander* Lord *Pitsligo*, by whom he had only one Daughter, who was married to Sir *James Gordon* of *Lesmore*.

And dying in the 1665, his Estate devolved on Sir *George* his Brother, thereafter Earl of *Aberdeen*, and Lord High Chancellor of *Scotland* aforesaid.

The Lord Chancellor was born on the third of *October* 1637, being left Fatherless, when he was not fully seven Years of Age, his Mother, who was a Lady of an excellent Spirit, took Care to give her Son Education suitable to his Quality, first in the Schools of Learning at Home; and afterward, for the further Improvement of his Education, he was sent into foreign Parts, where he betook himself to the Study of the Law, which he prosecuted with indefatigable Diligence, and uncommon Application. While Sir *George* was Abroad, his elder Brother Sir *John* dying without Issue Male, his Estate descended to him; and, tho' he had now an opulent Fortune, it did not in the least divert him from pursuing his Studies, which he did with as much Diligence and Assiduity after this as if he had been to live by his Profession.

Sir

(*a*) Bishop Guthery's Memoirs.

Sir *George* returned Home in the 1667 or thereabouts, with the Character of a fine polite Gentleman, and quickly thereafter commenced Advocate; and tho' for ſeveral Years he attended the Houſe, and pleaded at the Bar, and was eſteem'd a very good Lawyer, yet he never took any Fees as an Advocate, tho' he had Abundance of Clients, and many of them Perſons of the firſt Rank in the Nation: And this particular Act of uncommon Generoſity in the Lord Chancellor, I have had atteſted by ſeveral noble Perſons who knew the Truth thereof, ſome of whom are ſtill alive.

While Sir *George* was in a private Station he increaſed his Eſtate by the Marriage of *Anne*, the Daughter and ſole Heir of *George Lockhart* of *Torbrecks*, the Match being made up by Sir *George Lockhart* of *Carnwath*, thereafter the Lord Preſident of the Seſſion, the Lady's maternal Uncle, who had a very great Value and Eſteem for Sir *George Gordon*.

Sir *George* having by this Time attained to a very great Reputation for Knowledge and Integrity in the Laws, His Majeſty King *Charles* was graciouſly pleaſed to call him to his Privy Council (*a*), and then to promote him to be one of the Senators of the College of Juſtice in the 1686: Whereupon a Reverend Perſon makes this Reflection, *What more ſuitable*, ſays he, alluding to the Martyrdom of King *Charles* I. and to the Sufferings of Sir *John Gordon* the Lord *Haddo*'s Father, *than the Son and Heir of a Royal Martyr Father, to advance the Son and Heir of a Loyal Martyr Subject* (*b*)? My Lord *Haddo* had not been above a Year an ordinary Lord, till His Majeſty, upon the Fame of his Abilities and Learning, was pleaſed to advance him to be Lord Preſident of the Seſſion in 1681. Without any Deſign of detracting from any of his Lordſhip's Predeceſſors in Office, it was univerſally obſerved and taken Notice of, that, as Juſtice was never better adminiſtred, or a quicker Diſpatch in Buſineſs; ſo many Cauſes that had very long depended before the Lords were then determined, which raiſed the Lord Preſident's Reputation very high, and exceedingly recommended him to Men of all Qualities and Degrees. But His Majeſty thinking all thoſe Honours and Preferments not Reward enough due to the Memory and Merit of the Lord Preſident's Father, and to his Lordſhip's own conſummated Abilities, was therefore further graciouſly pleaſed to advance him to be Lord High Chancellor of *Scotland*, then void by the Death of the Duke of *Rothes*, by Letters Patent, bearing Date at *Windſor* the Firſt of *May* 1682 (*c*). In the Preamble of the Lord Chancellor's Commiſſion, His Majeſty declares His full Satisfaction in his Lordſhip's Abilities, for the Diſcharge of that great Office, in theſe Words, *Cumque ſatis experti ſumus, nobiſque luculenter, & manifeſte conſtat, tam de inſigni fidelitate, quam eximiis animi dotibus, & initanda integritate fideliſſimi & dilectiſſimi conſanguinei & conſiliarii noſtri domini Georgii Gordon de Haddo, noſtræ Seſſionis Præſidis, unde ad eximia præfatæ ſummi fiduciæ muneris abeunda aptime inſtructus eſt*, &c.

Some few Days after the Lord *Haddo*'s Commiſſion as Lord Chancellor had paſſed His Majeſty's Hands, he waited on his Royal Highneſs the Duke of *York* to *Scotland* by Sea, aboard the *Gloceſter* Frigot: On the Seventh of *May*, the Ship unhappily ſtraining on the *Lemon Ore*, his Royal Highneſs, to teſtify the great Eſteem he had for the Lord Chancellor of *Scotland*, was graciouſly pleaſed to ſave him in the ſmall Barge with himſelf.

After his Royal Highneſs arrived at *Edinburgh* on the 12th of *May* 1682, being in Council, he declared the Lord *Haddo* Lord Chancellor of the Kingdom; and, that his Lordſhip might appear with the greater Luſture both in his own Country, and in the City of *Edinburgh*, where the Lord Chancellor moſtly reſided, he was made High Sheriff, or Sheriff-principal of the Sheriffdoms of *Edinburgh* and *Aberdeen*: And, that his Lordſhip might have a Title of Honour in ſome Manner proportioned to the ſublime Cha-

(*a*) Records of the Privy Council in the Secretary's Office at Edinburgh, ad annum 1678. (*b*) Mr. Edwards in his Book, intituled, Doxologia, dedicated to his Lordſhip. (*c*) Charta in publicis Archivis.

racter he now enjoyed, he was, by Letters Patent, bearing Date at *Whitehall* the Thirtieth of *November* 1682, created Earl of *Aberdeen*, Viſcount of *Formarten*, Lord *Haddo*, *Methlick*, *Tarves* and *Kelly*, in the Preamble of the Patent: Beſide a very noble Character given of the Earl himſelf by His Majeſty, there is ſuch a full and clear Account of all the ſeveral Steps of the Sufferings of Sir *John Gordon* of *Haddo*, the Earl of *Aberdeen*'s Father, ſo elegantly, and ſo fully ſet forth, that it would be ſome Injuſtice to the Memory of that worthy Gentleman, not to inſert it fully, ſince it ſerves to ſet that Matter in a full and clear Light from the very firſt Step of his Loyalty, till he laid down his Head as a Martyr upon the Block; and therefore I ſhall inſert the Patent at full Length in the Appendix of this Work.

Upon the Earl of *Aberdeen*'s Advancement to the high Pitch of Honour he now enjoy'd, the Reverend Perſon I formerly mention'd continues his pious Reflection thus: *As your Lordſhip's Father*, ſays he, *of bleſſed Memory, died a Martyr for his Loyalty to his King, with many other Worthies; ſo our King's Majeſty, matchleſs for Piety in Life and Death, give all theſe Worthies a Meeting in dying a glorious and royal Martyr for the Liberty of his loving Subjects: And as the great and wiſely beloved* Daniel, *one of the Children of the* Babyloniſh *Captivity of the Seed of the Princes, was ſo indued with Gifts and Graces by the Father of the Fatherleſs, that he was thought worthy to ſit Judge in the Gate of the Kingdom*: So my Author runs the Parallel betwixt *Daniel* and the Lord Chancellor thus; *So*, ſays he, *your Lordſhip, the Son and Heir of your Martyr Father, being a fatherleſs Child of the late ſaid Captivity in* Scotland, *deſcending as the righteous Heir from the ancient and honourable Family of* Haddo, *one of the ancient Families in this Kingdom, being caſt upon the Care of your heavenly Father, having enabled you by more than ordinary Gifts and Graces, and advanced you thro' many orderly Steps of Dignity, hath at laſt cauſed your Lordſhip ſit in that very City and Judgment-Seat, where your Father ſuffered ſo ſad and unjuſt a Sentence*: And then concludes the Parallel with this Text of holy Scripture, *Therefore ſhall Men ſay truly there is a Reward for the Righteous; verily there is a GOD that judgeth in the Earth.*

The Lord Chancellor held this great Dignity, for two Years to His Majeſty's great Satisfaction, and with the univerſal Approbation of the whole Nation for his Juſtice, Integrity, ſound Judgment in the Diſcharge of his Office, a Praiſe which none of his Enemies ever deny'd him in any Time. But his Lordſhip perceiving the Popiſh Faction prevailing; and he being a very ſtout and ſtanch Proteſtant, would needs ſurrender the Chancellor's Place, to the King's great Reluctancy: At which Time His Majeſty made his Lordſhip more than ordinary Expreſſions of his Grace and Favour, with Aſſurances, that the laying down of his Office ſhould not leſſen the Eſteem and Favour He had for him.

During the Remainder of King *Charles*'s Reign, and of his Succeſſor King *James* VII. the Earl of *Aberdeen* was ever tight to the Crown, ſo far as was conſiſtent with his Honour and the Proteſtant Religion.

Upon the Revolution, King *William* and Queen *Mary* having obtained Poſſeſſion of the Throne, and every Body, who ſat in Parliament, being obliged to take Oaths of Allegiance to Them, the Earl of *Aberdeen*, to avoid the ſame, as well as ſome other Peers, retired into the Country, and from thenceforth continued a Nonjuror all King *William*'s Reign.

But upon the Acceſſion of Queen *Anne* to the Crown, the Earl of *Aberdeen*, in Conſideration that Her Majeſty was lineally deſcended from the ancient Race of our Kings, and a Daughter of the Crown, and a Princeſs indued with all thoſe perſonal Virtues that could render Her People compleatly happy, he complied with Her Government, by taking the Oaths impoſ'd by Law, and ſat in one or more Seſſions of Parliament in the Beginning of that Reign: But by Reaſon of the Infirmities of old Age, his Lordſhip was not able

able to be present in those Sessions, which carried thro' the Business of the Union of the Kingdoms, to which, on the Foot of an incorporating Treaty, he was in his own Judgment utterly averse. His Lordship henceforth passed the Remainder of his Days in a Country Retirement, till the Twentieth of *April* 1720, he departed this Life in great Tranquility, and with an entire Resignation to the Will of Almighty GOD, at the Age of Eighty three Years.

By *Anne* Countess of *Aberdeen* aforesaid Daughter, and at length sole Heir of *George Lockhart* of *Torbrex* in the County of *Lanerk*, by *Anne* his Wife Daughter of Sir *James Lockhart* of *Lee*, one of the Senators of the College of Justice, and Lord Justice Clerk in the Reign of King *Charles* II. he had *George* Lord *Haddo*, who died unmarried, *William* the present Earl of *Aberdeen*, and four Daughters.

Lady *Anne* married to *Alexander* Earl of *Eglington*, by whom he had only one Daughter, the Lady *Mary Montgomery*.

Lady *Martha* to *John Udney* of *Thainstone* in the County of *Aberdeen*, and had Issue.

Lady *Mary* to *Alexander* Lord *Saltoun*, and had Issue.

Lady *Margaret Gordon*.

James Earl of *Perth*.

The most noble and illustrious House of *Drummond* was first raised to the Peerage of this Realm, in the Person of *John Drummond* of *Cargil*, who, in Consideration of his singular Merit, was by the special Favour of King *James* III. created Lord *Drummond*, by solemn Investiture in Parliament, 29th of *January* 1487 (*a*). *James* Lord *Drummond* his Successor was honoured by King *James* VI. with the Title of Earl of *Perth*, the Fourth of *March* 1605 (*b*); but he dying without Issue male of his Body, the Honour fell to *John* his Brother, whose Son *James* the third Earl of *Perth* by the Lady *Anne Gordon* his Wife, Daughter of *George* second Marquis of *Huntly*, had *James* Earl of *Perth* the Lord Chancellor.

He was born in the Year 1648, and bred suitable to his noble Quality in the inferior Schools, from whence he was sent to the University of St. *Andrews*, where he went through a Course of Philosophy, and with more Success than young Noblemen had commonly done: After that he went to *France*, and, upon his Return, being then of Age, he strengthned his Family by making an Alliance by Marriage with the illustrious House of *Douglas*.

In the 1678, His Majesty King *Charles* II. called the Earl of *Perth* to his Council (*c*); and his Lordship being then of the Duke of *Lauderdale*'s Party was one of the Committee of the Council, who were sent into the *West* with the *Highland* Army, (who were let loose there upon free Quarter) to give the necessary Orders for preserving the publick Peace: But the Earl perceiving that that Country was not in a State of Rebellion, as was given out, and that the whole Progress of that Matter was both violent and illegal, he fell off from the Duke of *Lauderdale*, and joined the Duke of *Hamilton* and others of the Nobility, who went up to complain to the King of the Illegality of the Administration, and of the Oppression and Injustice *Scotland* was groaning under: But His Majesty would not disown the Duke of *Lauderdale* for what he had done; so the Matter was let fall at that Time.

Upon the Fall of the Duke of *Lauderdale*, the Earl of *Perth* was brought into the Ministry and made Justice General (*d*), upon the Promotion of the Marquis of *Queensberry* to be Lord High Treasurer; but before he had been little above two Years in that Office, he mounted higher, and was preferred to be Lord High Chancellor of *Scotland* in Place of the Earl of *Aberdeen*, who then

(*a*) Records of Parliament in the Publick Archives at Edinburgh. (*b*) Peerage of Scotland, Page [illegible]. (*c*) Bayle's Dictionaire, Page 1074. (*d*) His Lordship the Earl of Perth's Commission to be Justice General bears Date the First of May 1682 in the Publick Records.

then ſurrendred the Great Seal. His Commiſſion in the ordinary Form bears Date the Twenty third Day of *June* 1684 (*a*), and he held the Office all the Remainder of the Reign of King *Charles* II.

AFTER the Acceſſion of King *James* VII. to the Throne, the Earl of *Perth* changed his Religion, and embraced the Communion of the Church of *Rome*: Whereupon he was taken into a high Degree of Confidence and Favour; for he was not only continued in the Chancellor's Place, which he had before (*b*), but had, upon the Matter, the whole Adminiſtration of Affairs put into his Hands. All Things in outward Appearance for a while went ſmoothly on with the Lord Chancellor, till the calling away of the Standing Forces into *England*, upon the Surmiſe of an Invaſion from *Holland* in 1688, that a Diſcontented Party of the Miniſtry, who had a Mind to be rid of the Chancellor, raiſed the Mob of the City of *Edinburgh* to frighten him away. A noble Author, who wrote Memoirs of that Time (*c*), tells us, *That the better to carry on that Deſign, a Committee of the Council came to my Lord Chancellor's own Lodgings, and told him, they thought themſelves no longer in Safety to meet in Council where he was, and ſeveral others incapacitate by Law; but if he and they would retire, it would ſoon be ſeen how vigorouſly they would act in the King's Service, and get all the Rabble pacified, and the Diſcontented Meetings diſmiſt.*

But before the Lord Chancellor gave them any Anſwer, he retired into another Room, where all the *Roman* Catholick Counſellors were met. He told them what had paſt: Whereupon my former noble Author ſays, *They all unanimouſly adviſed him to be gone, ſince it would look better to do it voluntarily, than be compelled, as certainly they would do, now when they had begun, and had all the Rabble and Diſcontented Meetings on their Side.* Several others likewiſe, out of Concern for his Lordſhip, gave him the ſame Advice, thinking it dangerous for him to truſt an enraged Multitude. Theſe Advices of his Friends determined him; ſo he returned to theſe Lords, and took his Leave of them, and went ſtraight to his Seat in the Country.

BUT the Lord Chancellor finding he could ſcarce live in Safety at Home, and being deſirous to be with the King his Maſter Abroad, he embarked at *Bruntiſland* in *Fife* for *France*; but tho' he had diſguiſed himſelf, one Mr. C . . . k knew him as he was going on Ship-board, who immediately rode to *Kirkaldy* to procure an Order from the Magiſtrates there to apprehend him, which being eaſily obtained, a great Company of Sea-men, under the Command of one *Wilſon*, got down to him in a Long-boat, well man'd with Arms and Amunition, near the *Baſs* in the Mouth of the Firth. The Earl, who had but few Sea-men Aboard, and noways provided for any Reſiſtance, immediately ſurrendered himſelf; and after they had plundered him and his Lady, they brought them back to *Kirkaldy*, and threw them into the common Priſon: Where a noble Lord (*d*) ſays, *They were uſed with all the Barbarity and Inſolence a Rabble was capable of.*

HOW ſoon the remaining Lords of the Council at *Edinburgh* knew where the Earl of *Perth* was, they met to conſider how to diſpoſe of his Perſon in that Juncture. This, we are told, occaſioned a hot Debate. Some were for ſetting him at Liberty; but they were Out-voted, and it was carried by a great Majority, that he ſhould be committed to Priſon, under the Pretext of ſecuring him from the Inſults of the Mob: Whereupon the Earl of *Mar* was ſent with Orders to *Kirkaldy* to carry him to *Stirling*-Caſtle, where he was at firſt made a cloſe Priſoner; and, tho' he had more Liberty allowed him after the Government was ſettled, yet he continu-

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(*a*) Charta in cancellaria, S. D. N. R. ad annum 1684. (*b*) His Commiſſion from King James VII. bears Date 26th February 1686. (*c*) An Account of the Affairs of Scotland relating to the Revolution, as ſent to the late King James when in France by the Earl of B: :'s Manuſcript Copy in my Hands. (*d*) Earl of B: :'s in his fore-cited Memoirs of the Revolution.

ed under that Reſtraint for near four Years, till the 1693, he was baniſhed the *Britiſh* Dominions.

His Lordſhip having by this Means procured his Liberty, he went beyond Sea, firſt to *Holland*, and thence through *Germany* into *Italy*, and ſettled at *Rome*, where he remained till he was called from thence into *France* by his Maſter the late King *James*, who, from the entire Confidence he had in his Lordſhip, appointed him Governor to his Son, and to allay the Senſe of his Sufferings, for his Adherence to him, made him all the Amends he well could; for he created him a Duke, made him Knight of the Garter, as he was of the Thiſtle before, firſt Gentleman of the Bedchamber, and Chamberlain to the Queen (*a*). His Lordſhip died at *Paris* on the Eleventh of *May* 1716, in the Sixty Eight Year of his Age. He was, by his own Direction, interr'd in the Chapple of the *Scots* College at *Paris*, where there is a decent Monument of white Marble placed over his Grave, with an Inſcription ſetting forth his Titles: All the Honours he enjoyed either at Home or Abroad: And all the ſeveral great Offices he paſs'd through: How great a Patron he was of Learning: And concludes with the Day of his Death, and the Year of his Age, as we have let it down here.

THE Earl of *Perth* the Lord Chancellor was thrice married; firſt to the Lady *Jean*, Daughter of *William* Marquis of *Douglas*, by whom he had *James* Lord *Drummond*, and two Daughters, Lady *Mary* married to *William* Earl *Marſhal*, and Lady *Anne* who died unmarried.

HIS ſecond Wife was *Lilias* Countels-Dowager of *Tillibardin*, Daughter of Sir *James Drummond* of *Machany*, Grand Father to the preſent Viſcount of *Strathallan*, by whom he had *John* and two other Sons, *Charles* and *George*, who both died young; alſo a Daughter, Lady *Sophia*, who died in her Infancy.

HIS third and laſt Wife was Lady *Mary*, Daughter of *Lewis* third Marquis of *Huntly*, Siſter to *George* firſt Duke of *Gordon*, and Widow of *Adam Urquhart* of *Meldrum*, by whom he had two Sons, *William* a Youth of ſingular Hopes, who died at St. *Germains*, after he had gone through the inferior Schools, whoſe Death was exceedingly lamented for the Brightneſs of his Parts, and the great Expectations were conceived of him; *Edward* who lives Abroad in *France*, and a Daughter, Lady *Tereſa*, who died young.

John Marquis of *Tweedale*.

THE ancient noble Family of *Hay* of *Locherwart*, of which the Lord Chancellor was the Head, took beginning in the Reign of King *William* the Lyon. *John de Haya miles, filius Willielmi de Haya*, then obtained the Barony of *Locherwart* by the Marriage of the Heir Female of *Robert de Lindſay* (*b*). I can add nothing further to illuſtrate the Deſcent of this noble Family, but what is to be met with in the Peerage of *Scotland*, only that *John Hay* of *Yeſter*, was, by King *James* III. honoured with the Title of Lord *Hay* of *Yeſter*, Twenty ninth of *January* 1487, by ſolemn Inveſtiture in open Parliament, the uſual Solemnity of creating Peers at that Time (*c*). From him, the Eight in a lineal Courſe of Succeſſion, another *John* Lord *Hay* of *Yeſter*, was, by the ſpecial Favour of His Majeſty King *Charles* I. raiſed to the Honour of Earl of *Tweedale* by Letters patent, bearing Date at *Newcaſtle* the firſt of *December* 1646 (*d*). By the Lady *Jean Seaton* his firſt Wife, only Daughter of *Alexander* firſt Earl of *Dunfermling*, Lord high Chancellor of *Scotland*, by *Griſſel* his ſecond Wife, Daughter of *James* Lord *Leſly*, Son

(*a*) Inſcription on the Earl of Perth's Funeral Monument in the Chapple of the Scots College at Paris, tranſmitted to me by a Perſon of Quality. (*b*) Chartullary of the Abbacy of Newbottle in the Lawyers Liberary at Edinburgh M. S. (*c*) Records of Parliament. (*d*) Charta in Cancellaria S. D. N. R.

and Heir apparent of *Andrew* Earl of *Rothes* (*a*), he had *John* Marquis of *Tweedale* the Lord Chancellor.

He was born in the Year 1626. His Education was ſuitable to his Rank and Quality, both in the inferior Schools, and at the College of *Edinburgh*, tho' he did not go quite through his Courſe of Philoſophy at the Univerſity; for in the Year 1640, he went up to *London* with the Earl of *Dunfermling* his Uncle (*b*), who was appointed one of the Commiſſioners for the Treaty of Pacification betwixt the two Nations; which being then happily concluded, the Maſter of *Teſter* returned the Year after with the King into *Scotland*, *anno* 1641, when His Majeſty held a Seſſion of Parliament in His own Royal Perſon, in which He gave the fulleſt Satisfaction of all Grievances that could be thought on. Upon the firſt Appearance of the civil War, he repaired to His Majeſty while he remained at *York*, and waited on him to *Hull*, where Sir *John Hotham* denied him Acceſs into his own Town, which unhappily prov'd the Foundation of the civil War (*c*).

In the Year 1642, when the King ſet up His Standard at *Nottingham*, and the War began, the Maſter of *Teſter* attended His Majeſty thither, and from thence to *Shrewsbury*, and continued in the Royal Army, ſo long as *Scotland* continued in a Neutrality betwixt the King and the two Houſes at *Weſtminſter*. He came Home in the Year 1643, and when the Eſtates of *Scotland* raiſed an Army, with a View of getting the Umpirage of the War into their Hands, and marched into *England*, he had the Command of a Regiment in that Service, and was at the Battle of *Longmarſton*-Muir in the 1644, where the Parliament's Forces obtained the firſt ſignal Victory over the King (*d*). The Maſter of *Teſter*, among other Perſons of Quality, waited on His Majeſty while he was at *Newcaſtle*, in the 1646; but was ſo happy as to have no Hand in the delivering up of the King, and his Father the Lord *Teſter* had the Favour at that Time to be made Earl of *Tweedale*.

The Lord *Teſter*, amongſt others of the Nobility, went into the Deſign of raiſing an Army for the Reſcue of the King in the 1648, and had the Command of the *Eaſt-Lothian* Regiment, conſiſting of 1200 Men, with whom he marched into *England*, and was at the Engagement at *Preſton*, where Duke *Hamilton* the General was taken Priſoner, and the Army totally Defeat.

When King *Charles* II. came over to *Scotland* in the 1650, the Lord *Teſter*, among other young Noblemen, waited on His Majeſty: He aſſiſted at the Coronation, and bore a Share in the Solemnity; for we find his Lordſhip, the Lords *Drummond*, *Carnegie*, *Ramſay*, *Johnſton* and *Brechen*, the eldeſt Sons of the Earls of *Perth*, *Southesk*, *Dalhouſie*, *Hartfeil*, *Panmure* and *Tweedale*, carried the Canopy over His Majeſty from his Apartment to the Church of *Scoon*, on the Day of the Coronation, firſt *January* 1651 (*e*). His Lordſhip tells us himſelf, he went with His Majeſty from *Perth* to *Stirling* (*f*), where a Seſſion of Parliament was held; but when the Army marched into *England*, having no Command there, he retired to *Dundee* for his Security, and garriſoned his Houſe of *Needpath* in *Tweedale* for the King, which was held out againſt the *Engliſh*, the longeſt of any Place on the South of *Forth*.

In the 1654, *Cromwel* having made a Sort of Union of the three Kingdoms, and allowing Repreſentatives from *Scotland* to ſit in his Parliament, the Lord *Teſter*, who was now become Earl of *Tweedale* by the Death of his Father (*g*), accepted of a Commiſſion to repreſent the Shire of *Haddington*, and ſat in *Oliver*'s Houſe of Commons, *anno* 1655 (*h*). In that Station his Lordſhip did his

(*a*) Laurus Leſleana. (*b*) Memorial of the Marquis of Tweedale drawn up by his Lordſhip himſelf, M. S. penes me. (*c*) Ibidem, and the Earl of Clarendon's Hiſtory of the Rebellion and civil War. (*d*) Memorial of the Conduct of the Marquis of Tweedale during the civil War drawn by himſelf. (*e*) The Form and Order of the Coronation of King Charles II. as it was acted and done at Scoon, the Firſt Day of January 1651, Printed at Aberdeen. (*f*) Memorial of the Marquis of Tweedale done by himſelf, M. S. (*g*) Charta in publicis Archivis. (*h*) Memorial of the Marquis of Tweedale's Conduct under his own Hand formerly cited.

his Country all the Service was in his Power. He tells us himſelf, *That the Nation being then groaning under the Oppreſſion of* 10000 *Pound Ceſs monthly, they got it reduced to* 6000 *Pound*; but tho' there was held another Seſſion of the Protector's Parliament, and one of his Son *Richard*'s, yet his Lordſhip went to neither of them; ſo that his Compliance with the Uſurpation was in no other View then the ſerving of his Country in the Circumſtances it was under, and on no Deſign to oppoſe the King's Intereſt.

Upon the King's happy Reſtoration, the Earl of *Tweedale* went up to *London* to congratulate His Majeſty, and being very favourably received, he was named one of the Lords of His Majeſty's moſt honourable Privy Council (*a*). In the firſt Seſſion of the Earl of *Middleton*'s Parliament, *anno* 1661, his Lordſhip was the only Man that oppoſed the paſſing Sentence of Death on Mr. *Guthery* for declining the King's Authority in Matters Eccleſiaſtical (*b*), and moved that he might be only baniſhed, ſince Baniſhment, as his Lordſhip very juſtly obſerved, had been hitherto the ſevereſt Cenſure that had been laid on Miniſters for their Opinions. Something he ſaid in the preſſing of this Point that afterward was miſrepreſented by the Lord *Middleton* to the King, as if he had been cold, if not backward in His Majeſty's Service: Whereupon an Order was ſent down for committing him to Priſon, and for examining him upon the Words he had ſpoken, and on his Meaning in them. A learned Author (*c*) obſerves, *This was not a Time in which Men durſt pretend to Privilege, or the Freedom of Debate:* So his Lordſhip did not inſiſt on it, but ſent up an Account of his Words, and ſuch an Explanation of them as fully ſatisfied the King; ſo after the Impriſonment of two Months, he was ſet at Liberty.

While the Earl of *Tweedale* was in Power, he always ſtudied to keep Proceedings in a legal Channel, and was for moderate Councils; and in Order to keep the Country in Eaſe and Quiet, he had a main Hand, and was chiefly Inſtrumental in procuring an Indulgence to the Presbyterians in the 1669 (*d*), whereby ſuch of the Miniſters as were Moderate and Loyal were indulged to ſerve in vacant Churches, tho' they did not ſubmit to the preſent Eſtabliſhment.

While his Lordſhip was at *London*, at this ſame Time he moved, and ſet on Foot a Propoſition for the Union of the two Kingdoms. We are told by a reverend Author (*e*), 'The King at firſt 'liked it, and many of the Court were 'much for it; yet all that was done re-'lating to that, was that an Act paſſed in 'the Parliament for a Treaty about it; 'and the King named Commiſſioners, 'who in the following Summer 1670, 'went up to treat about it: Of which Number the Earl of *Tweedale* was one. His Lordſhip was for it, we are told, on ſeveral Accounts, both to ſettle the Eſtabliſhment of the Militia, and to get ſome Alterations made in the Laws that related to the Church: But, tho' the Commiſſioners met, yet they made no Progreſs in it, and the Thing was let fall ſo ſoon, that it was very viſible it was never intended in good Earneſt.

For a while the Earl of *Tweedale* had the Earl of *Lauderdale*'s chief Confidence; but growing jealous that he was Caballing with the Duke of *Hamilton* and his Party againſt him, he broke with him. This Breach the Lord *Tweedale* himſelf thinks, as well as Biſhop *Burnet*, was chiefly fomented by the Counteſs of *Dyſart*, to whom the Earl had abſolutely delivered himſelf up, and who, as the right reverend Hiſtorian juſt now mentioned, ſays, *made him*, meaning the Earl of *Lauderdale*, *fall out with all his Friends, one after another*; *with the Duke of* Hamilton, *the Marquis of* Athole, *the Earls of* Argyle, Tweedale,

(*a*) Nomination of the Privy Council in the Chancery Office, and the Marquis of Tweedale's own Memorial of himſelf. (*b*) Biſhop Burnet's Hiſtory of his own Times. (*c*) Ibidem, Page 129. (*d*) Memorial of the Marquis of Tweedale: His Lordſhip tells us, That thoſe who chiefly aſſiſted him in getting the Indulgence ſettled, were the Earl of Lauderdale, Sir Robert Murray, Biſhop Wilkins of Cheſter, and Biſhop Lighton of Dunblain. (*e*) Biſhop Burnet's Hiſtory of his own Times.

Kincardine, *and Sir* Robert Murray.

THIS Turn of the Lord *Lauderdale*'s Diſpleaſure againſt the Earl of *Tweedale* very quickly drew the King's after it, ſo that in the 1674 his Lordſhip was turn'd out of all his Employments; and ſo entirely diveſted of every Thing he held that depended on the Crown, that he was not ſo much as ſuffered to continue in the Privy Council (*a*), tho' he was, without Doubt, one of the Wiſeſt Men the Nation than had. He continued under a Cloud, till toward the Declining of the Duke of *Lauderdale*'s Credit, that he was again brought into the Council and Exchequer (*b*), in which he continued till the Death of King *Charles*. When King *James* VII. came to the Crown, His Majeſty having conſtitute a new Privy Council on the 3d. of *March* 1685, the Earl of *Tweedale* was named one of the Number; and, being a Nobleman of great Experience in Affairs, was thereafter put into the Exchequer (*c*), as he had been in the End of the former Reign; but had no other Office of Profit or Truſt under King *James*.

THE Earl of *Tweedale*, upon the Revolution, complied early with the Government under King *William* and Queen *Mary*, and thereupon grew into great Favour with Their Majeſties, who were pleaſed to name the Earl one of the Lords of their Privy-Council, the Eighteenth of *May* 1689, (*d*), and on the Seventh of *December* thereafter one of the Commiſſioners of the Treaſury (*e*). For ſome Time after the Revolution, there was no Lord Chancellor; ſo the great Seal was given in Commiſſion to the Duke of *Hamilton*, the Earls of *Argyle* and *Sutherland* (*f*): But Their Majeſties judging it was fitter for their Service, to have the Offices of State run in the old Channel, They were pleaſed to prefer the Earl of *Tweedale* to be Lord High Chancellor of *Scotland*, and Keeper of the Great Seal during Their Royal Pleaſure, by Letters patent at *Kenſington*, the 5th of *January* 1692 (*g*). The Reaſons moving the King and Queen to beſtow this great Office on his Lordſhip, will more fully appear in the Preamble of the Patent, wherein they are thus ſet forth.

Gulielmus & Maria Dei Gratia, Magnæ Britanniæ, Franciæ & Hiberniæ Rex & Regina, fideique defenſores, omnibus probis hominibus ad quos preſentes Litteræ pervenerint, ſalutem. Quandoquidem nos intelligentes quantum miniſterii noſtri commodo interſit, ſumme illud fiduciæ munus & officium Cancellarii noſtri antiqui regni noſtri Scotiæ unico cuidem fidelitate, intaminata integritate, & eximiis animi dotibus imbuto committere, potius quam idem illud officium in commiſſione ad plures continuare, cumque nobis luculenter & manifeſte conſtat, tam de fidelitate, quam preclaris animi dotibus, & diuturna experientia fideliſſimi noſtri conſanguinei & conſiliarii Joannis comitis de Tweedale, quibus ad ſummi illius officii munera exacte obeunda & fungenda, uſque quaque eſt idoneus: Noveritis igitur nos nominaſſe, feciſſe, conſtituiſſe & ordinaſſe, ſecuti per haſce noſtras litteras patentes nominamus, facimus, conſtituimus & ordinamus eundem fideliſſimum & dilectiſſimum noſtrum conſanguineum & conſiliarium, Joannem comitem de Tweedale, durante noſtro beneplacito duntaxat, ſupremum dicti antiqui regni noſtri Scotiæ cancellarium, & ſolum & principalem magni noſtri ſigilli cuſtodem, &c.

THE Lord Chancellor having always expreſſed a more than ordinary Zeal and Affection to Their Majeſties Perſons and Government, They thought fit to augment his Lordſhip's Honours, and thereupon, by other Letters patent, bearing Date at *Kenſington* the 17th of *December* 1694, he was raiſed to the Honour, Title and Dignity of Marquis of *Tweedale*. The Narrative of the Patent is ſo ſingular and curious, I cannot but preſent the Reader with it.

Gulielmus

(*a*) His Lordſhip's own Memorial of himſelf ſo often heretofore mentioned. (*b*) Commiſſio pro ſaccario dated January 15th 1682, in the Records of the Chancery. (*c*) Nomination of the Privy Council by King James VII. in the Records. (*d*) Firſt Commiſſion by King William and Queen Mary in the Records. (*e*) Ibidem. (*f*) Ibidem. (*g*) Charta Penes Marchionem de Tweedale.

Gulielmus & Maria Dei Gratia, Magnæ Britanniæ, Franciæ & Hiberniæ Rex & Regina, &c. Quandoquidem nos, ex ſumma & ſerena noſtra gratia, perpendentes præclara illa & extraordinaria officia nobis & coronæ ac regno Scotiæ preſtita & impenſa, per fidelisſimum & dilectisſimum noſtrum conſanguineum & conſiliarium, Joannem comitem de Tweedale, ſupremi dicti noſtri regni cancellarium, & inſignia itidem ipſius merita, & erga noſtras Perſonas & Regimen affectum & zelum ſingularem, quodque etiam ipſe ejuſque deceſſores longa Succeſſionis ſerie inter nobiliſſimos & antiquiſſimos noſtri dicti regni coronæ, ejuſque juribus exemplari fidelitate ſemper adhæſerat, & eorum nonnulli per matrimonio coronæ affinos & propinqui; atque adeo uti hæc familia jam Septemgentos ſupra annos ortum ſuum duxit a præclara ſtemmate, celebrato fortitudine in regno ab invaſione Danorum recuperando edita & expreſſa; ita etiam honorem & amplitudinem ejuſdem factis ſuis & moribus generoſis, & equalibus & officiis omnibus ejuſmodi acceſſionibus & angustiis coronæ preſtita in continuo in hanc uſque diem conſervarunt, ſuſtentarunt & auxerunt, noſque autem familiæ adeo antiquæ & illuſtræ dignitatem promovere, atque Regiæ noſtræ munificentiæ durabilem notam in eandem Joannem comitem de Tweedale, & in officiorum ſuorum memoriam conferre apud nos ſtatuentes: Noveritis igitur nos feciſſe, conſtituiſſe & creaſſe, ſecuti per haſce noſtras Patentes Litteras facimus, conſtituimus & creamus eundem Joannem comitem de Tweedale, Marchionem de Tweedale, Comitem de de Gifford, Vice-comitem de Walden, & Dominum Hay de Teſter, dando & concedendo dicto Joanni Comite de Tweedale, ejuſque heredibus maſculis quibuſcunque, in omni tempore futuro, titulum, honorem, gradum & dignitatem Marchionis de Tweedale, &c (*a*). The next enſuing Year the Marquis was named Lord High Commiſſioner to the fifth Seſſion of the Parliament which met at *Edinburgh May* 9th 1695.

But notwithſtanding of all the ſignal Proofs of his Lordſhip's Affection to His Majeſty, and to the Government as then eſtabliſh'd by Law, yet not being thought ſo compliant with the Court as was expected in the Buſineſs of the Settlement of the *Scots* Colony at *Darien*, he was laid aſide, and the Lord *Polwarth* was made Chancellor *anno* 1696. Soon after the Lord Marquis's Removal from his Office, he fell into a Decay of Health, and a languiſhing, which after ſome Months carried him off at his Lodgings in the City of *Edinburgh*, on the 11th of *Auguſt* 1697, in the Seventy firſt Year of his Age: Toward the End of the ſame Month he was, with the State and Solemnity uſual for Perſons of his Rank and Quality, interred in the Church of *Teſter* amongſt his Anceſtors. Upon his Hearſe, and his Funeral Scutcheons, the Coats of Arms of theſe noble Families compoſed, what the Heralds call his eight Branches,

Earl of *Tweedale*,
Earl of *Lothian*,
Lord *Jedburgh*,
Lord *Harris*,

Earl of *Dunfermling*,
Earl of *Rothes*,
Hamilton of *Sorne*,
Lord *Lindſay* of *Byres*.

The Marquis's Character may be eaſily gathered from what hath been ſaid; but a right Reverend Hiſtorian (*b*), who knew his Lordſhip very particularly, having furniſhed me with a Character of him in his Hiſtory, I have preſumed to inſert it here, in the following Words, *The Earl of* Tweedale, ſays he, *was early engaged in Buſineſs, and continued in it to a great Age. He underſtood all the Intereſt and Concerns of* Scotland *well: He had a great Stock of Knowledge, with a mild and obliging Temper. He was of a blameleſs, or rather an exemplary Life in all Reſpects. He had looſe Thoughts both of Civil and Eccleſiaſtical Government, and ſeemed to think that what Form ſoever*

(*a*) Charta penes Marchionem de Tweedale. (*b*) Biſhop Burnet in the Hiſtory of his own Times.

was uppermoſt to be complied with. He had been in Cromwel's *Parliament, and had abjured the Royal Family, which lay heavy on him; but the Diſputes about the Guardianſhip of the Dutcheſs of* Monmouth *and her elder Siſter, to which he pretended in the Right of his Wife, who was their Father's Siſter againſt her Mother, who was Lord* Rothes's *Siſter, drew him into that Compliance which brought a great Cloud upon him: Tho' he was, in all other Reſpects, the ableſt and worthieſt Man of the Nobility: Only he was too cautious and fearful.* I ſhall conclude with his Marriage and Iſſue. The Marquis of *Tweedale* was but once married, *viz.* to the Lady *Jean Scot*, Daughter of *Walter* firſt Earl of *Buccleugh*, by whom he had *John* his Son and Succeſſor in the Honour, Lord *David Hay*, Lord *Alexander Hay*, Lady *Margaret* married to *Robert* Earl of *Roxburgh*, Mother by him to his Grace the preſent Duke of *Roxburgh*, and Lady *Jean* to *William* Earl of *March*.

Patrick Earl of *Marchmont*.

THE Family of *Hume* is deſcended from a younger Branch of the Illuſtrious Houſe of the Earls of *Dunbar*. Sir *William*, Son of *Patrick* Earl of *Dunbar*, took his Sirname from his Patrimonial Lands of *Hume* in *Berwickſhire*, and that as early as the Reign of *Alexander* II. that the Sirname of *Dunbar* became Hereditary to the Earls of *Dunbar* themſelves.

THIS Sir *William* gave in pure Alms to the Abbacy of *Kelſo*, *unum toftum, & unum croftum, & duos bovatos terræ, in territorio villæ ſuæ de Greenlaw* (*a*). He left a Son of the ſame Name, who deſigns himſelf *Wilielmus dominus de Hume, filius & heres nobilis viri Wilielmi de Hume militis quondam dominus dictæ villæ de Hume*, when he releaſes all his Right to ſome Lands within the Barony of *Hume*, that had been in Diſpute betwixt him and the Abbot and Convent of *Kelſo*, *Craſtino conceptionis beatæ Mariæ virginis* 1268 (*b*). *Galfrede de Hume* his Son gives to the Monks of *Kelſo* an Annuity of 12 ſhil. 6 d. Sterling out of the Lands of *Hume* in 1300. Sir *John Hume* of *That-ilk* his Son was Father of Sir *Thomas Hume* of *Hume*, who added to his own Patrimonial Eſtate, the Barony of *Dunglas* in *Haddingtonſhire* by the Marriage of *Nicolas* the Heir of the ancient Family of the *Pepdy*'s. By this Lady he had two Sons, Sir *Alexander*, who was the Anceſtor of the Earl of *Hume*, and Sir *David* who was Progenitor to the Earl of *Marchmont*. This Sir *David*, in the 1413, being a Warlike Man had a Grant from *Archibald* then Earl of *Douglas* of the Lands of *Wedderburn propter multiplicia ſua ſervitia*, as the Charter bears (*c*). By *Alice de Hume* his Wife, he had *David* his Son, who, by *Elizabeth* his Wife, Daughter of . . . *Carmichael* of *That-ilk* (*d*), had two Sons Sir *George Hume* of *Wedderburn*, and Sir *Patrick Hume* of *Polwarth*, which Lands he obtained by the Marriage of *Margaret*, Daughter and Co-heir of *John Sinclair* of *Polwarth*, and one of the Heirs of Line of *Elizabeth*, Daughter and ſole Heir of Sir *Patrick de Polwarth* Lord of *Polwarth*. From this Sir *Patrick* the Succeſſion of the Family of *Polwarth* is fully traced in the Peerage of *Scotland*; and therefore I ſhall not repeat what is ſaid there, but directly proceed to the Life of the Earl of *Marchmont* the Lord Chancellor.

HE was the eldeſt Son of Sir *Patrick Hume* of *Polwarth* Baronet, by *Chriſtian* his Wife, Daughter of Sir *Alexander Hamilton* of *Innerweek*. He was born, as his Lordſhip told me himſelf, on St. *Mungo*'s Day, the 13th of *January* 1641: Being left young at his Father's Death, his Mother, who was a Lady eminent in all Vertue, took great Care of his Education under the beſt Maſters, both in the Inferior Schools and at the Univerſity, where he made ſuch a Proficiency in all the Parts of ſolid and uſeful Learning, that he fully anſwered what could be expected from the moſt eminent Inſtructors.

IN

(*a*) Regiſter of the Abbacy of Kelſo. (*b*) Ibidem. (*c*) See the Preface to Mr. David Hume's Hiſtory of the Houſe of Douglas. (*d*) Genealogical Deduction of the Houſe of Wedderburn, done by the Learned and Ingenious Mr. David Hume of Godſcroft, who was a Son of the Family, M. S. penes me.

In the Year 1665, Sir *Patrick Hume* of *Polwarth* was choſen a Member of Parliament for the County of *Berwick*, wherein he diſtinguiſhed himſelf by a noble Zeal for the Liberties of his Country. He ſtruck in with the Duke of *Hamilton* and that Party in the Parliament who were much ſet upon the Redreſs of the Nation's Grievances, and oppoſed the Duke of *Lauderdale*, even then when His Miniſtry was at the Height: For in the 1674, he went up with the Duke of *Hamilton*, the Earl of *Tweedale* and others, to lay before the King the ill State the Country was in by the Duke of *Lauderdale*'s Adminiſtration. A learned Author (*a*) tells us, That when they firſt arrived at Court, they were ſo well received by the King, that they hoped to carry their Point; and he gave them ſo good a Hearing, that they thought they had fully convinced Him of the Neceſſity of putting *Scotland* into other Hands. In the mean Time they were ſent down with full Aſſurances, that all Things ſhould be left to the Judgment of the Parliament (*b*); but when they got Home, inſtead of a Seſſion, there was an Order for a Prorogation: Which gave ſuch an univerſal Diſcontent, ſays Biſhop *Burnet*, *That many offered at very extravagant Propoſitions for deſtroying the Duke of* Lauderdale, *and all his Party* (*c*).

In the Year 1675, the Privy Council, for the better preſerving of the publick Peace, having garriſoned ſome old Caſtles, and ſeveral Gentlemen's Houſes that lay moſt convenient for the Forces, thought fit amongſt others to ſettle a Garriſon at the Houſe of *Blanſe* in the *Merſe*: Tho' this was thought a very illegal Step, yet the Matter did not reſt there; for the Council required the Countries about to furniſh thoſe Garriſons with all things neceſſary. This Sir *Patrick Hume*, who had always been a Patron of Liberty, could not away with, eſpecially that it was againſt the expreſs Words of the Law, that ſettled the Militia. It was againſt the Illegality of this Way of Procedure he was ſent from the Shire of *Berwick* to deal for obtaining a legal Remedy, by offering a Bill of Suſpenſion to one of the ordinary Lords: And this Piece of Juſtice being denied him; upon the Lord *Collingtoun*'s Refuſal, he uſed a legal Proteſtation in the ordinary Form of Law, by taking Inſtruments, that he had offered it (*d*). For this Inſolence, as it was called, he was brought before the Council, who declared him incapable of all publick Truſt, and then threw him firſt into the Tolbooth of *Edinburgh*, where he underwent a long and tedious Impriſonment, till falling ill, upon a Petition to the King, his Priſon was ſomewhat more enlarged; for he was ſent under a ſtrong Guard to the Caſtle of *Dunbarton*, (*e*) and after that to *Stirling*-Caſtle, where he remaind ſome Years: At Length, by the Interpoſition of ſome of his *Engliſh* Relations at Court, particularly, as his Lordſhip told me, the Counteſs of *Northumberland*, he procured his Liberty. The King's Order for his Liberation bears, *That he had been impriſoned for Reaſons known to His Majeſty, and tending to ſecure the publick Peace, and now the Occaſions of Suſpicion and publick Jealouſy being over, he is ordered to be liberate* (*f*).

Sir *Patrick* after this finding the Miniſters of State were moſt earneſtly ſet on his Deſtruction, and that he could not live in Security at Home, went to *England*, and entred into a ſtrick Friendſhip with the Duke of *Monmouth*, the Earl of *Shaftsbury*, and the Lord *Ruſſel*, who was his near Relation. With them he often met, and had many Conferences of the State of *Scotland*, and what might be done there to ſecure the Kingdom from Popery and arbitrary Power in the Event of a Popiſh Succeſſor: But, as his Lordſhip proteſted to me, there never paſſed among them the leaſt Intima-

(*a*) Biſhop Burnet's Hiſtory of his own Times. (*b*) Of this Particular, and many others relating to this Affair, I was fully informed by the Earl of Marchmont himſelf. (*c*) in the Hiſtory of his own Times. (*d*) Scotland's Grievances under the Duke of Lauderdale's Miniſtry. (*e*) Records of Council, September 2. 1675. (*f*) Records of the Council in the Signet-Office at Edinburgh, 17th of April 1679.

tion of any Deſign againſt the King's Life, or the Duke of *York*'s; that was what they all had an Abhorence of: But he ſaid, he thought it was lawful for Subjects being under ſuch Preſſures to try how they might be relieved from them, and their Deſign never went further.

UPON the breaking out of the *Rye*-plot, Sir *Patrick*, thinking he might be in Danger, went out of the Way, and got beyond Sea. He lived a while at *Geneva*, from whence he came down to *Holland*, where he waited on the Prince of *Orange*, who looking on Sir *Patrick* as a Confeſſor for the Proteſtant Religion, and the Liberties of his Country, treated him with a very particular Reſpect. Here he ſojourned till the Death of King *Charles* II.

UPON King *James*'s coming to the Crown, Sir *Patrick* having always with more than ordinary Zeal ſhown himſelf againſt a Popiſh Succeſſor, joined with the Earl of *Argyle*, and came over with him in the Year 1685; but that Attempt being, by the Providence of God, overthrown, and the Party diſperſed, he found Means to get into a Gentleman's Houſe in *Air* Shire (*a*), where he lay concealed for three Weeks; a Report being ſpread Abroad that he was dead by his Friends, that the Search for him might be diſcontinued till a Veſſel was provided for him on the Weſt Coaſt, which in a few Days ſafely landed him at *Dublin*: But not thinking it ſafe for him to continue in *Ireland*, for he was now Out-lawed in *Scotland* for the *Rye*-Plot, he got over to *Holland*, where he met, tho' not ſo avowedly, with the ſame kind Reception from the Prince of *Orange* as formerly, and continued there till he came over with His Highneſs into *Britain* in the 1688. I have been well aſſured, that the Prince had ſo great an Eſteem for Sir *Patrick*'s Abilities, and of his Affection and Fidelity to the Proteſtant Religion, and his Highneſs's Deſign, that he thought fit very particularly to conſult with him in that Juncture.

WHEN the Government was diſſolved, upon the King's withdrawing into *France*, Sir *Patrick* was one of the moſt leading and forward of any Gentleman in the Kingdom in procuring an Addreſs from *Scotland* to the Prince that he would take upon him the Adminiſtration of Affairs, till a Convention of the Eſtates ſhould meet to ſettle the Nation. He was choſen a Member to the Convention, which ſat down at *Edinburgh*, 14th of *March* 1689, wherein he was very inſtrumental in bringing about the Revolution, and the Settlement of the Crown upon their Royal Highneſſes the Prince and Princeſs of *Orange*, according to the Claim of Right. Soon after this, when their Majeſties King *William* and Queen *Mary* came to conſtitute a new Privy-Council he was named one of that Number (*b*) and appointed one of the Commiſſioners to treat of an Union betwixt the two Nations: But that Matter being let fall, he was not long thereafter by Their Majeſties ſpecial Favour raiſed to be a Peer of the Realm by the Title of Lord *Polwarth* of *Polwarth* by Letters Patent bearing Date the 26th of *December* 1690 (*c*). In the Preamble of the Patent Their Majeſties are pleaſed very graciouſly to expreſs Their great Eſteem for Sir *Patrick*, and the Merit of his Services in theſe Words,

Gulielmus & Maria Dei Gratia Magnæ Britanniæ, Franciæ, & Hiberniæ Rex & Regina fideique defenſores, &c. Quandoquidem nos grato admodum animo recolentes merita egregia & ſingularia ſervitia admodum fidelis & prædilecti noſtri Conciliarii Domini Patricii Hume *de* Polwarth, *Militis Baronetti, propter firmam ſuam Reformatæ Religioni adhæſionem, fidelitatem ipſius inſignem ac fidem intemeratam, tum in juſtis Diadematis & Monarchiæ juribus tum in legibus & libertatibus hujus antiqui Regni noſtri* Scotiæ *conſervandis, claram & conſpicuam, idque temporibus difficillimis & aſperrimis; noſque itidem perpendentes, quod in nupera gene-*

(*a*) It was the Houſe of his particular Friend the Laird of Langſhaw, as his Lordſhip informed me himſelf. (*b*) Nomination of the Privy-Council in the Chancery Office. (*c*) Patent under the Great Seal in the Cuſtody of the Earl of Marchmont.

neroſa & celeberrima noſtra expeditione, pro hac, ceteriſq; noſtris Regnis, a Papiſmo & Tyrannide liberandis, alacriter Nos a Belgio eſt concomitatus; quodq; nobis ſumma fide & ſtudio in illuſtri illo propoſito promovendo & perficiendo inſervivit; utq; idem Dominus Patricius *ulterius excitetur ad firmiter & immobiliter perſiſtendum in fidelitate ſua erga Nos, & cura aſſidua ad miniſteria noſtra præſtanda: Noveritis igitur Nos creaſſe feciſſe*, &c.

It may not be amiſs here to take Notice, That King *William* was pleaſed, in the very Patent creating his Lordſhip into the Honour, to aſſign him an *Orange* proper, enſign'd with an Imperial Crown, to be placed in a *Surtout*, in his Coat of Arms, in all Time coming, as a laſting Mark of His Majeſty's Royal Favour to the Family of *Polwarth*, and in Commemoration of his Lordſhip's great Affection to His ſaid Majeſty, a Warrant being directed to the Lord Lyon for that Effect: And that his Lordſhip might have the more Intereſt in his own County, and appear the more conſiderable there, Their Majeſties were pleaſed to conſtitute him Sheriff Principal of *Berwick* Shire, on the 2d of *October* 1692. And to aggrandize him the more and more, he was named one of the Four Extraordinary Lords of the Seſſion, and took his Place accordingly the 28th of *November* 1693 (*a*). But theſe Employments being moſtly honorary, that his Lordſhip might a little more effectually taſte of the Royal Bounty, His Majeſty was pleaſed to prefer him to be Lord High Chancellor of *Scotland*, on the 2d of *May* 1696 (*b*), upon the Removal of the Marquis of *Tweedale*; and the Title of Lord Baron, being thought too low a Degree of Honour for the Lord Chancellor, before his Lordſhip had continued one whole Year in that great Office, His Majeſty was pleaſed to augment his Honours; and therefore advanced him to be an Earl, by the Stile and Title of Earl of *Marchmont*, Viſcount of *Blaſſonberry*, Lord *Polwarth* of *Polwarth*, *Redbrays* and *Greenlaw*, by Letters Patent, 23d of *April* 1697 (*c*): And ſoon thereafter he was named one of the Commiſſioners, both of the Treaſury and Admirality. The next enſuing Year his Lordſhip was appointed Lord High Commiſſioner to repreſent His Majeſty's Perſon, in the ſeventh Seſſion of the Parliament, which met at *Edinburgh* on the 19th of *July* 1698 (*d*). His Lordſhip's Commiſſion under the Great Seal, which could not ſo conveniently be inſert here, is to be ſeen at full Length in the Appendix. After this his Lordſhip held the Chancellor's Place above Four Years, with the univerſal Approbation of the whole Kingdom, and the general Applauſe of all Men, for his Juſtice, Integrity, ſound Judgment, and eminent Sufficiency in the Diſcharge of his Office. And the King his Maſter was ſo fully ſatisfied with the faithful Diſcharge of that and all the other great Employments committed to him, while he was the firſt and prime Miniſter, that he was pleaſed to give him a very ample Approbation of his Services, under the Great Seal, *April* 19th 1700, wherein His Majeſty declared, *Quod præfatus Comes, in omnibus muneribus a nobis concreditis candore & integritate ſumma, cum approbatione & ſatisfactione noſtra ſeſe geſſit & exoneravit.*

In 1702, His Majeſty was pleaſed to appoint the Lord Chancellor to be Commiſſioner to repreſent His Royal Perſon in the Aſſembly of the Church that Year (*e*): But during the Sitting of the Aſſembly, King *William* died, which did very ſenſibly affect his Lordſhip and all the hearty Lovers of the Revolution. Tho' his Commiſſion was determined by the Death of the King, yet Her Majeſty Queen *Anne*, the very Day ſhe came to the Crown, granted a new Commiſſion to the Lord Chancellor to repreſent Her Royal Perſon, and hold Her Place in the Aſſembly. In the End of 1702, Her Majeſty having made ſome Alterations in the Miniſtry, the Earl of *Marchmont* was removed from being Chancellor, to

(*a*) Charta penes Comitem de Marchmont. (*b*) Ibidem. (*c*) Ibidem. (*d*) Acts of Parliament. (*e*) His Lordſhip's Commiſſion is dated the 23d February 1702.

which Office the Earl of *Seafield* was preferred. But his Removal did not in the leaſt diminiſh his Lordſhip's Zeal for what he thought the Intereſt of his Country, but rather heightned his publick Spirit; for having always much at Heart the Security of the Proteſtant Religion, and a Proteſtant Succeſſor to the Crown, in the firſt Parliament of Queen *Anne*, *anno* 1703, he was the firſt, who moved that a Bill might be brought in, for ſettling of the Succeſſion to the Crown on Her Royal Highneſs the Princeſs *Sophia* Dutcheſs Dowager of *Hanover*, ſince ſhe was the next Proteſtant Heir after the Queen, who had no Iſſue alive. But the Motion not being much ſeconded at that Time, the Matter was let fall. In the ſame Seſſion, his Lordſhip preſented another Act for ſettling and ſecuring of Presbyterian Government as it was then eſtabliſhed, in Doctrine, Worſhip and Diſcipline, which was carried in the Houſe by a great Majority.

'The Act Ratifies, Approves and Con-'firms all Laws, &c. made for eſta-'bliſhing and preſerving the true re-'formed *Proteſtant Religion*, and the 'true Church of Chriſt, as at preſent 'owned and ſettled within this King-'dom in its *Presbyterian Government* 'and *Diſcipline*, as being agreeable to 'the Word of God, and the only 'Church of Chriſt within this King-'dom (*a*).

In the 1706, when the Treaty of Union betwixt the two Nations came before the Parliament, the Earl of *Marchmont* was not only cordial for it, but went into the Deſign with great Zeal. His principal Motive, as he told me, was the ſettling of the Crown in the Proteſtant Succeſſion, which his Lordſhip ſaid, was the Thing he longed moſt paſſionately to ſee before he ſhould leave the World, and reckoned it his great Happineſs that he had contributed ſo much to bring it about.

When the Settlement of the Crown in the Proteſtant Line took Place, upon the Acceſſion of King *George* to the Throne, His Majeſty was graciouſly pleaſed to reſtore the Earl to be Sheriff of *Berwick*-Shire in Place of the Earl of *Hume* (*b*), and to make his Lordſhip one of the Lords of the Court of Police. And having now, as he expreſſed it, got the Deſire of his Heart, a Proteſtant King upon the Throne, he laid aſide all Buſineſs, and turned his Thoughts wholly to another World, and from henceforth continued in a retired Courſe of Life to his Death, which happened at his Lodgings in the Town of *Berwick*, on the 1ſt of *Auguſt* 1724, aged 83 Years. The ſame Day Se'nnight, he was interred in the *Canongate* Church-Yard beſide the Body of his Lady whom he loved and eſteemed beyond Expreſſion. Upon his Funeral Eſcutcheons, there were placed the Sixteen Armorial Coats of theſe noble and ancient Families, which are here ſet down.

Hume of *Polwarth*,
Marquis of *Lothian*,
Earl of *Dunbar*,
Duke of *Buccleugh*,
Hepburn of *Wauchtoun*,
Duke of *Roxburgh*,
Hume of *Spot*,
Beaton of *Crich*,

Hamilton of *Innerweek*,
Earl of *Haddington*,
Hume of *Simpram*,
Murray of *Blackbarony*,
Hamilton of *Livingſton*,
Heriot of *Trabrown*,
Hume of *Broxmouth*,
Beaton of *Crich*.

The Earl of *Marchmont*, the Lord Chancellor, was married with *Griſſel*, Daughter of Sir *Thomas Ker* of *Cavers* Knight, by whom he had Iſſue,

Patrick Lord *Polwarth*, who had the Honour to ſit and vote as Lord High

(*a*) Acts of Parliament. (*b*) Commiſſion under the Great Seal nominating and appointing Patrick Earl of Marchmont to be Sheriff of Berwick-Shire, dated 14th November 1714.

High Treaſurer of *Scotland*, in the Parliament 1698; but, tho' he was twice married, firſt to a Lady of his own Family, and then to a Daughter of the Earl of *Home*'s, yet he had no Iſſue, and died in his Father's Lifetime, *anno* 1710,

Alexander the preſent Earl of *Marchmont*, who is Lord Regiſter of *Scotland*, and Ambaſſador extraordinary and Plenipotentiary for the Crown of *Great Britain* at the Congreſs of *Cambray*,

Sir *Andrew Hume* of *Kimmerghame* Baronet, one of the Senators of the College of Juſtice,

Lady *Griſſel* married to *George Bailie* of *Jerviſwood* Eſq; one of the Lords Commiſſioners of the Treaſury, and had Iſſue,

Lady *Anne* to Sir *John Hall* of *Dunglaſs* Baronet *ſans Iſſue*.

Lady *Julian* to *Charles Billingham* Eſq; and had Iſſue,

Lady *Jean* to *James* Lord *Torphichen*, and had Iſſue.

Altho' the Earl of *Seafield* did immediately ſucceed the Earl of *Marchmont* in the Chancellor's Place, and was in that great Office before the Marquis of *Tweedale*, whom he likewiſe ſucceeded; yet, that there may be no Interruption in the Threed of the Memoirs relating to the Earl, by giving them in different Places, I ſhall lay them all together under one Title, and place him after the Lord *Tweedale*, ſince his Lordſhip was Lord Chancellor at the Commencing of the Union, which is the Time I have fixed upon to bring this Work to, and no further.

John Marquis of *Tweedale*,

Was the Son of *John* the firſt Marquis of *Tweedale*, by the Lady *Jean Scot* his Wife, Daughter of *Walter* Earl of *Buccleugh*. He was born in the Year 1645, and, by the Care of his Father, bred as was uſual for the Heir of ſo great and noble a Family. He did not travel abroad to perfect his Education, which before his Marriage was intended; but the great Proſpect of marrying the Duke of *Lauderdale*'s only Child over-ruled all other Conſiderations, it being without Doubt the greateſt Match at that Time in the Kingdom; yet the Duke his Father in Law never brought him into the Government, nor was he ſo much as in the Council till about the Time of his Death. Upon the Earl of *Argyle*'s Invaſion, he was made Colonel of the Eaſt-*Lothian* Regiment, which was all the Truſt he had till the Revolution. After that he was named one of the Lords of the Privy Council, and conſtituted Sheriff-principal of the Shire of Eaſt *Lothian* (*a*): But his great Court was in the next Reign; for, upon the Acceſſion of Queen *Anne* to the Crown, Her Majeſty was pleaſed to name the Lord Marquis of the Privy Council, and to make him Her Commiſſioner to the ſecond Seſſion of the Parliament, which met at *Edinburgh* on the ſixth of *July* 1704. In his Speech he chiefly inſiſted in recommending the Settling of the Crown in the moſt Serene Houſe of *Hanover*, as neceſſary to eſtabliſh Peace, and ſecure the Proteſtant Religion: But that was put off this Seſſion. But the Act of Security, which had been hitherto ſo much oppoſed, obtained the Royal Aſſent, and paſſed into a Law. This Act, which for a while made ſo great a Noiſe in *Britain*, ſome may deſire to ſee, and therefore it is to be met with full and intire in the Appendix.

Upon the Prorogation of the Parliament, the Marquis went up to Court, where he met with a very gracious Reception from Her Majeſty, who was pleaſed to prefer his Lordſhip to be Chancellor in Place of the Earl of *Seafield*. His Commiſſion bears Date the 17th of *October* 1704 (*b*). But in leſs than ſix Months thereafter, upon a Change of Meaſures at Court, he was removed from the Chancellor's Place, to which the Earl of *Seafield* was again preferred. The

(*a*). Charta in publicis Archivis. (*b*). Commiſſion in the Hands of the Marquis of Tweedale, dated at Kenſingtoun as above.

losing of his Place, however, did not put him upon opposing the Court in the Matter of the Union, which he went into with his Party, which beat down all other Opposition. After this his Lordship lived mostly in the Country, at his fine Seat at *Tester*, enjoying the Pleasures of a rural Life, till the 20th of *April* 1713, he was all of a sudden taken ill with a Fit of an Appoplexy, of which he died the same Day, aged 68. Years. His Funeral was private in the Church of *Tester*.

He married the Lady *Anne Maitland*, only Daughter of *John* Duke of *Lauderdale*, by the Lady *Anne* his first Wife, one of the Daughters and Co-heirs of *Alexander* Earl of *Hume*, by whom he had *Charles* Marquis of *Tweedale*, his Successor, Lord *John Hay*, who was Colonel of the Royal Regiment of *Scots* Dragoons, and a Brigadeer General of the Army, Lord *William Hay*. He had also two Daughters,

Lady *Anne* married to *William* the present Lord *Ross*.

Lady *Jean* to *John* late Earl of *Rothes*.

James Earl of *Findlater* and *Seafield*.

The Lord Chancellor's Ancestors were anciently Barons of *Inchmartine* in *Perth* Shire, from whence, for many Ages, they had their Title and Designation. The Estate of *Inchmartine* very far back, we see, belonged to Barons of the same Sirname. Sir *John* de *Inchmartine* Knight was one of those Patriots who stuck firm to King *Robert* the *Bruce*, which brought him into a good Degree of Confidence and Favour: For in all, or most of the *Perth*-Shire Writs, under the Great Seal of that Prince, that I have met with, he is a constant Witness. Sir *Walter* de *Inchmartine militi* seems to be his Son; of him there are several Writs, still remaining, in the Time of King *David Brute*, and is with other great Men a Co-witness in Charters. During that Prince's Reign (*a*), another Sir *John* de *Inchmartine* Knight (*b*), who is likely to be the Son of the former Sir *Walter*, got a Third Share of the Barony of the *Weems*, and the principal Manour, by the Marriage of the eldest Daughter and Co-heir of Sir *David* of *Weems* Lord of That-ilk, by whom he had a Daughter *Isabella* his sole Heir, who brought the Barony of *Inchmartine*, and other Lands, by Marriage, to her Husband, Sir *Allan Erskine* Knight, a younger Branch of the Family of *Erskine*, who thereupon was designed, as I have seen him, *Dominus* de *Inchmartine* (*c*). He died in the 1401, and left two Daughters his Heirs (*d*), *Margaret* the elder, who was married to Sir *John Glen* Knight, and the younger *Isabel* to Sir *John Weems* of *Rires* (*e*). This Sir *John Glen* got by his Wife aforesaid a Part of the Barony of *Inchmartine*, and a Share of the *Weems* (*f*), but he left no Male Issue; so that *Margaret* his eldest Daughter was married to Sir *Walter Ogilvy*, a younger Branch of the ancient Family of the *Ogilvies* of *Auchterhouse* in the County of *Forfar*, to whom she brought at first but only a Part of the Barony of *Inchmartine*, with the principal Messuage (*g*). By this Lady Sir *Walter* left a Son, Sir *Andrew Ogilvy*, who having exchanged his Part of the *Weems* with Sir *John Weems*, for Sir *John*'s Share of *Inchmartine*, he is thereupon designed *Dominus* de *Inchmartine* (*h*). He was made a Knight by King *James* II. and that as early as the sixth of that Reign, *anno* 1442 (*i*). By *Marjory* his Wife, but of what Family or Sirname I could not discover, he had *David* his Son, and then

(*a*) Charta penes ducem de Athole. (*b*) Charta in Rotulis Roberti secundi. (*c*) Ibidem. (*d*) Charta penes Comitem de Weems. (*e*) Ibidem. (*f*) Ibidem. (*g*) Charta penes Comitem de Findlater ad Annum 1704. (*h*) Charta penes comitem de Weems, (*i*) I have seen a Charter in the Hands of a noble Person, granted by Agnes Douglass, Spouse to John Blair of Adanstone, of her Part of the Lands of Kelly in Forfar Shire, to William Auchterlony, dated March 3d, 1442. The Witnesses are thus placed, Sir Patrick Lyon of Glammis, Sir Thomas Maule of Panmuir, Sir Andrew Gray of Foulis, Sir Andrew Ogilvy of Inchmartine, &c.

then his Heir apparent, in whose Favours he resigned the Fie of his Estate, which was ratified and confirmed by a Charter under the Great Seal of King *James* III. *anno* 1465 (*a*). This *David* afterward succeeded to his Father, and, by *Marion* his Wife, Daughter of . . . . *Hay* of . . . . (*b*) he had *Alexander* his eldest Son, who, it seems, died in the Lifetime of his Father, leaving no Issue; and *James* who was his Father's Successor in his Estate, and married *Isabel* a Lady of the Family of the *Oliphants* (*c*), by whom he had *Patrick* his Son and Heir apparent, who, in the Lifetime of his Father, married *Marion Stewart*, Daughter of *Thomas* Lord *Innermeath* (*d*), and again *Elizabeth* Daughter of *Patrick Kinnaird* of *Inchture* (*e*), Ancestor to the present Lord *Kinnaird*, and had *William* his Successor, and two Daughters, *Margaret* married to *Patrick Hay* of *Meginsh* (*f*), Ancestor to the present Earl of *Kinnoul*, and *Janet* to *John Kinnaird* of That-ilk (*g*); which *William*, I find, died in the 1558, leaving Issue by *Janet* his Wife, Daughter of *Patrick* Lord *Gray* (*h*), *Patrick Ogilvy* of *Inchmartine*, his Son and Successor, who married *Marjory*, Daughter of . . . *Gray* of . . . (*i*), and had *Patrick* his eldest Son and Heir apparent, who, in the Lifetime of his Father, married *Margaret*, Daughter of Sir *George Haliburton* of *Pitcur* (*k*), Knight of the County of *Forfar*: By her he left a Son *Patrick*, who succeeded his Grandfather in his Estate, and had the Honour of Knighthood conferred upon him by King *James* VI. He married *Anne*, Daughter of Sir *Duncan Campbel* of *Glenorchy* (*l*), Ancestor to the present Earl of *Broadalbine*, by whom he had *Patrick* his Son and Heir, who married *Elizabeth* eldest Daughter and Heir of *James* the 1st Earl of *Findlater*, and that Way, by the Approbation of the Crown, he became Earl of *Findlater*. By the Countess his Wife aforesaid, he had *James* Earl of *Findlater* his Son, who by the Lady *Anne Montgomery* his Wife, only Daughter of *Hugh* Earl of *Eglintoun*, by the Lady *Anne* his first Wife, Daughter of *James* Marquis of *Hamilton*, he had the Earl of *Findlater* and *Seafield* the Lord Chancellor. Here is a large Field to expatiate upon the great Learning and other Endowments of this noble Lord; but his Lordship being still alive, I shall wave it, and shall only set down some Memoirs, by Way of Annals, relating to his Birth, Education, Profession, and the several great Offices he went through, which perhaps may be some small Assistance to an abler Hand to do his Lordship Justice afterward, in the Writing of his Life at large.

He was born in the Year 1664. Being at first a younger Brother, he betook himself to the Study of the Law, in which he made so notable a Proficiency, that, upon his Return from his Travels, he was admitted an Advocate, with all imaginable Applause, *January* 16th 1685.

In the 1689, Mr. *Ogilvy* was chosen a Member to the Convention of Estates for the Burgh of *Cullen*, where he was much taken Notice of for a Speech he made in Favours of King *James*, when the House had the Matter of that Prince's Male Administration under Debate: And, I am well informed, he was one of five only who dissented from the Act of forfeiting the King. But the Revolution being settled, and the Government established, he complied, by taking the Oaths to King *William* and Queen *Mary*, and followed his Practice as a Lawier, with great Success and Reputation, whereby, he was not only enabled to retrieve the Affairs of his Father's Family, but moreover to

(*a*) Charta in Rotulis Jacobi tertii. (*b*) Charta in publicis Archivis. (*c*) Ibid. (*d*) Charta in Rotulis Jacobi IV. ad Annum 1510. (*e*) Charter in conjunct Fie to him and his Wife in the publick Records. (*f*) Charta in Rotulis Mariæ Reginæ, and the Form of the Funeral Solemnity of George Earl of Kinnoul in the 1635, from the Records of the Lyon Office. (*g*) Charta in publicis Archivis. (*h*) Ibidem ad Annum 1540. (*i*) Charta in publicis Archivis. (*k*) Ibidem. (*l*) Ibidem ad Annum 1609.

make a very considerable Addition to their old Estate,

Mr. *Ogilvy* growing daily more and more eminent in his Profession was taken into the Government, and made Solicitor for the Crown, upon the Removal of Sir *William Lockhart* Advocate from the Office, in the Year 1693. And being by this Time a Knight, and having, as hath been said, acquired a fair Estate in the North, he was made Sheriff of *Bamff* Shire, the Office being then vacant, and at the Disposal of the Crown, by the Death of Sir *James Baird* of *Achmeden*, and Sir *George Gordon* of *Edinglassie*, who had been conjunct Sheriffs.

Sir *James Ogilvy* had not been long in the Government, till he was brought into the Ministry, and made conjunct Secretary of State with the Earl of *Tillibardin* (*a*): But being not a Peer, it was thought fit, for the Honour of his Station, to raise him to that Dignity: So he was created Viscount of *Seasield*, by Letters Patent, bearing Date the 28. *June* 1698; and growing into great Favour, he was appointed Commissioner to represent His Majesty's Person in the General Assembly of the Church, which met at *Edinburgh* the 2d *February* 1700, and the next ensuing Year he was raised to be Earl of *Seasield*, the 24. of *June* 1701. He continued Secretary till the Death of the King.

Altho' all Employments are ended of Course with the Life of the former Sovereign, yet the Queen continued the Earl of *Seasield* in the Secretary's Place, as conjunct with the Duke of *Queensberry*, by a new Commission under the Great Seal, *May* 12th, 1702; and the same Year he was appointed one of the Commissioners to treat of an Union betwixt the two Kingdoms, which was now set on Foot (*b*); but the Design was soon let fall. However, his Lordship still continued in the good Graces of the Court: For, on the first of *November* thereafter, he was preferred to be Lord High Chancellor of *Scotland*, in Place of the Earl of *Marchmont*, and named a second Time Commissioner to the National Assembly, which met at *Edinburgh* the 10th of *March* 1703. In the 1704, upon a Change of Measures at Court, the Earl of *Seasield* was removed from the Chancellor's Place, and in Lieu thereof was made conjunct Secretary of of State (*c*), first with the Duke of *Queensberry*, and then with the Earl of *Roxburgh*. In that Quality he served the Queen till a new Change was made again in the Ministry, that Her Majesty was pleased a second Time to make his Lordship Chancellor, in Place of the Marquis of *Tweedale*, the 9th of *March* 1705 (*d*), three Days after his Grace the Duke of *Argyle* was declared Commissioner to the next ensuing Session of Parliament.

A Treaty of Union being now set again on Foot with *England*, the Lord Chancellor could not faill, for the Dignity of his Office, but of Course to be named one of the Commissioners, which he was: And both while the Treaty lasted at *London*, and while it was under the Consideration of the Parliament of *Scotland*, his Lordship concurred in the Measures for promoting it, with all possible Zeal. His Speeches, setting forth the great Advantages that would accrue to the Nation by the Union, are all to be met with in Print, and in the Historians of the Time: So I shall pursue the Relation of this great Transaction no further, since the Matter is so well known. The Union, notwithstanding of all the Opposition it met with, being carried through and approven, the Lord Chancellor, who had throughout the whole Affair served the Court, not only with Fidelity but Zeal, was, for the Merit of that Service, and in Compensation of his Office, which was now to be sunk upon the Commencement of the Union, made

(*a*) His Commission at first to be Secretary bears Date the 5th of February 1696. (*b*) The Commission for this Treaty is on the 25th of August 1702. (*c*) His Lordship's Commission to be now Secretary is the 17th of October 1704. (*d*) Commission in the Records of the Chancery.

made Lord Chief Baron of the Exchequer (*a*), and had a Penſion of 3000 *L. per Annum* ſettled on him, out of the Poſt-Office.

THE Earl of *Findlater* and *Seafield* married *Anne*, Daughter of Sir *William Dunbar* of *Durn* Baronet, by whom he had,

James Lord *Deskford*,

Mr. *George Ogilvy* Advocate,

LADY *Anne* married to *Charles* the fifth Earl of *Lauderdale*,

LADY *Janet*, firſt to *Hugh Forbes* Eſq; Son and Heir apparent of Sir *William Forbes* of *Craigivar* Baronet, of the County of *Aberdeen*, and after that to Mr. *Duff* of *Braco* Eſq; of the County of *Bamff*, but had no Iſſue.

(*a*) Charta penes Comitem de Findlater.

HAVING thus brought down the Lives of the Lords Chancellors of *Scotland*, from the Time of King *David* I. to the Union of the two Kingdoms, as I undertook; and that as clearly and impartially, without any Regard to Parties, as have I been able, I ſhall now proceed, according to my Propoſals, to give the Lives of the Lords Chamberlains with the ſame Candor and Integrity, from the Time, that upon the beſt Inquiry I was able to make, that Officer is to be met with in Charters and Records, which is the Rule I lay down to direct my ſelf in that Matter, till the Office was ſuppreſt upon the Outlawry of the Duke of *Monmouth* and *Buccleugh*, who was the laſt Great Lord Chamberlain in the Year 1685.

THE

THE
LIVES of the LORDS Great Chamberlains
OF
SCOTLAND.

BY the fourth Chapter of the *Regiam Majeſtatem* (*a*), we ſee the Chamberlains Office hath been very great; for we find that his Fies have amounted to no leſs than Two Hundred Pounds, *Item ordinaverunt pro ſuſtentatione Camerarii Domini Regis per Annum ducentos libros*, ſays my Author. His Fies, as we may obſerve, did not ariſe from the Caſualities of the Office, as theſe of the Chancellor, but out of the Profits of the Eſcheats, Fines, Tolls and Cuſtoms accruing to the King, out of the Brughs over whom the Great Chamberlain exerciſed a particular Juriſdiction; and the *Reſiduam de Amerciamentis* went *Domino Regi* to the King. It is plain from the *Iter Camerarii* (*b*), that the Great Chamberlain had his Airs and Circuits, as well as the Juſticiar, through the Country, twice a Year, and oftner, as the Exigence of Affairs required. The Proceſs and Matters of Enquiry that came before him are all very diſtinctly treated of by the learned Sir *John Skeen*, to whom I refer the curious Reader, who may at his Leiſure conſult him upon that Point, and many others, if he will, relating to the municipal Laws, and ancient Conſtitution of *Scotland*, which he hath handled and diſcuſſed with a great Deal of Learning and Knowledge. This Office, at leaſt ſo far as I have obſerved, did always ſingly paſs the Great Seal, tho' no Commiſſion of an older Date has come to my Hands than a Gift of the Chamberlain's Place by the Duke of *Albany*, while he was Regent of *Scotland*, to the renouned and heroick Earl of *Buchan* his Son, in 1408. After that I have ſeen ſeveral Commiſſions, all under the great Seal, for the Office, during Life; one to the Lord *Boyd*, one to the Lord *Hume*, and one to the Lord *Fleeming*, which being the laſt of that Kind that has paſſed my Hands, I ſhall inſert it in the Appendix, that the Reader may have the fuller and clearer View, what hath been the Nature, Extent and Juriſdiction of

(*a*) Page 4th. (*b*) In the Regiam Majeſtatem.

the Office. And to conclude we may obſerve, That the Great Chamberlain ſeems to have anciently collected the Revenues of the Crown, at leaſt, before we had a Treaſurer, of which there appears not the leaſt Veſtige, till the Reſtoration of King *James* I. ſince we find in the Rolls Multitudes of Precepts directed to them for the Payment of Gifts and Penſions to ſuch Subjects, as the Sovereigns thought deſerved ſuch eminent and diſtinguiſhing Marks of their Royal Favour. This brief Hint of the Nature of the Chamberlain's Office, we hope, may not be unacceptable to the Reader, ſince ſomewhat of this Kind was neceſſary to introduce us to trace the great Men, in a Way of Succeſſion, who have held that Office ſince the Reign of King *David* I. who came to the Crown in the Year 1124.

Herbert, Chamberlain.

THE firſt great Chamberlain that is to be met with in this Reign, from Charters or any tolerable Authority, is *Herbert* an Eccleſiaſtick, who is *Camerarius Domini Regis Davıd*, in the Foundation Charter by that Prince, of the Abbacy of *Holy-rood-houſe*, beſide *Edinburgh*, *anno* 1128 (*a*). He is alſo a Witneſs in a Charter by the ſame King, and deſigned *Camerarius*, whereby he gave *Deo & Eccleſiæ Sanctæ Mariæ de Reyding* the Lands of *Rindelgroſſ*, *per illas diviſas per quas ego ipſe*, *Scilicet*, ſays he, *& Willielmus Giffard cæterique homines mei perivimus as veſtrum opus*, &c. (*b*), *apud Dunfermling*. He is alſo Chamberlain in another Grant by the King, of the Church of *Totham*, *Eccleſiæ Sanctæ Trinitatis de* London *pro ſalute animæ ſuæ*, ſays he, *& Matildis Reginæ ſororis meæ*, *& Matildis uxoris meæ*, *& Simon. comitis* (*c*).

Philip, Chamberlain.

THE next whom I have found in this great Office under King *David*, is *Philipus Camerarius*, who is ſo deſigned in a Charter which the King gave to the Monks of *Dunfermling*, *de decimis Canni ſui de Fife* (*d*). I could trace him no further.

Herbert Biſhop of *Glaſgow*.

THIS Prelate was bred to the Church; and, being a Man of Parts and Learning, he was made Chamberlain by King *David*; for ſo he is deſigned Witneſs in a Charter by that Prince, to the Canons Regular of the Priory of St. *Andrews*, *de Eccleſia de Linlidew cum Cappella & Terras ſuas tam infra Burgum quam extra* (*e*). The Chamberlain was, toward the End of his Reign, made Abbot of *Kelſo*, and after that was preferred to the Epiſcopal See of *Glaſgow*; to which he was conſecrate, *a Papa Eugenio Amiſodoro*, ſays my Author, *die Sancti Bartholomei*, 1147 (*f*). Here he ſat till his Death in the 1164 (*g*).

Edward, Chamberlain.

AFTER *Herbert*, this *Edwardus*, but of what Sirname there is no Account, was *Camerarius* toward the End of the Reign of King *David*. The Chamberlain is a Witneſs in a Deed of the King's, whereby he gave to the Priory of St. *Andrews* *unam plenariam toftum in Clackmanan ad opportunitatem domus eorum & alia tofta in Berwick in perpetuam elemoſinam* (*h*). Being Chamberlain at the Death of King *David* in 1153, King *Malcom* his Grandſon and Succeſſor, continued him in Office. He

(*a*) Foundation Charter of Holy-rood-houſe in the pub'ick Records, ingroſſed in a Charter of King Robert the 3d, and the Chronicle of Melroſs, which ſays, Anno 1128, Cepit Funari Eccleſiæ Sanctæ Crucis de Edinburgh. (*b*) Monaſticon Anglicanum. (*c*) Ibidem Vol. 1ſt. pag. 80. (*d*) Chartulary of Dunfermling in the Lawyers Library at Edinburgh. (*e*) Chartulary of the Priory of St. Andrews in the Hands of Sir Alexander Gilmoir of Craigmillar. (*f*) Chronicle of Melroſs. (*g*) Ibidem & Reliquæ Sancti Kentigerni, ſive Hiſtoria Epiſcoporum Glaſguen. ab Anno 1122, ad Annum 1689 M.S. penes me. (*h*) Monaſticon Anglicanum.

is Witness in a Charter of this King's *apud Carleolum, Priori & Canonicis Deo servientibus in Ecclesia sancti Petri de Herewoldin.* It is likely he died in the Office: For in the short Reign of King *Malcom* IV. we meet with another Chamberlain, one *Nicolaus*, who had been *Clericus*, but was now *Camerarius*, and at length came to be Chancellor, under which Title there is a fuller Account to be met with of him in the former Part of this Work, which I shall not repeat here.

Walter de *Berckley* Lord of *Reidcastle.*

This Gentleman, who is the first Layman we see in this Office, seems to be of *English* Extraction, tho' now at this Time he is possessed of a good Estate in *Forfar* Shire, the Barony of *Innerkillour*, which he had by the Gift of King *William*, and out of which he gave several Donations to the Monastry of *Arbroath* (*a*), together with the Patronage of that Church, and the Tithes thereunto belonging. He was preferred to the Chamberlain's Place in the 1165, when *Nicolaus* his Predecessor in the Office was made Chancellor. The Chamberlain is Witness in very many of King *William*'s Charters that I have seen, particularly *Walterus de Berckley Camerarius* is Witness in a Grant by the King his Master of the Church of *Egilsgreg* to the Canons Regular of the Priory of St. *Andrews* (*b*), *anno* 1171: He afterward gave in pure Alms to the Religious of *Holmecultran* sundry Lands in *Gallweya*, which is confirmed by King *William*, in which he is called *Walterus de Berckley Camerarius meus.* He continued a good While in the Office; but as to the precise Time he left it, or whether he was removed, or died in the Place, I am not certain. He left a Daughter his sole Heir, who was married to *Ingelram de Baliol*, Lord of *Harcourt*, which gave the *Baliols* first a Footing in *Scotland*, where they rose to great Wealth and Honour: For *John de Baliol* his Grandson got the Lordship of *Galloway*, by the Marriage of *Dornagila*, eldest Daughter and Co-heir of *Allan* Lord of *Galloway*, and by that Lady was Father to *John* de *Baliol* Lord of *Galloway*, once King of this Realm.

Gilbert Bishop of *Caithness.*

He was a younger Son of the ancient and illustrious Family of the *Murrays*, which, about this Time, extended themselves into several eminent Branches. The House of *Duffus* have claimed him to be of their Family; but, for what I can see, with very little Ground: For by the Chronology, and other concurring Circumstances, he bids far rather to be of the Family of the *Murrays*, who were afterward designed of *Bothwel*. But his particular Parentage I shall wave, and come to observe, that being from his Youth bred with a View of serving in the Church, he took holy Orders, and was made a Canon of *Murray* (*c*). Not long after this Mr. *Murray* was one of the Clergy who were present at the Convention called by the Pope's Legate at *Northampton*, in 1177, both King *William* of *Scotland*, and King *John* of *England* being there in Person (*d*). Our Historians tell us, That tho' the Legate pretended his Errand to *Britain* was the reforming the Abuses in both the Churches, yet it appeared his main Design was to deal with the Clergy of *Scotland* to acknowledge a Subjection to the Church of *England*, and to the Archbishop of *York* as their Metropolitan. To this Purpose he had a long Harangue, which ran much upon the Commendation of Humility and Obedience, and at

(*a*) Chartulary of Arbroath Folio 125. (*b*) Chartulary of the Priory of St: Andrews. (*c*) Fordon. Hist. Rerum Scoticarum. (*d*) Archbishop Spotiswood's History of the Church of Scotland, Page 38. and Page 111.

laſt applied his Diſcourſe to the Scots Clergy, endeavouring to perſwade them, that a Submiſſion to the See of *York* would prove a very ſervicable Expedient, and bring the Churches of *England* and *Scotland* to a cloſer Union; and that ſince they had no Metropolitan of their own to preſide in Synods, and determine Differences, none could be more commodious for this Purpoſe than the Neighbouring Archbiſhop of *York*. The Biſhops making no Reply for Fear of diſobliging the Legate, Mr. *Murray*, who was but a Prebend of a Cathedral Church, and a young Man, took the Liberty to deliver his Senſe upon this Subject.

He argued, That the Church of *Scotland* had been all along independent of the *Engliſh*, and ſubject to no See but that of *Rome*; that their Submiſſion to a Metropolitan of a Foreign Nation might check the Diſcipline of their Church, and make its Government impracticable. For tho', ſays he, there is a good Underſtanding betwixt the two Kingdoms at preſent, a War may quickly break out, in which Caſe the Communication betwixt us and the Metropolitan of *York* will be cut off, and the Character of that Prelate grow inſignificant. As for the Controverſies which may probably happen, they had Prelates of their own of ſufficient Conduct and Capacity to decide them. This Diſcourſe he delivered with a great Deal of Spirit and Vehemence, inſomuch that the *Engliſh* themſelves were pleaſed with the Courage and Zeal he had ſhown for his Country; and the Legate perceiving the Motion would not paſs, preſſed it no further. The Prebend, having gained a mighty Reputation by his Speech, was ſoon after his Return made Dean of *Murray*, and Great Chamberlain of *Scotland* (*a*), upon the Death or Removal of Sir *Walter Berckley* from the Office. After that the Biſhoprick of *Caithneſs*, falling void by the Death of *Adam* Biſhop of that See in 1222, he was preferred thereto, and conſecrate ſoon after with the uſual Solemnities. He built the Cathedral Church of *Caithneſs* upon his own Charge, and lived to ſee it finiſhed and conſecrated. He died at *Scraviſter* in the 1245, and was afterward canonized by the Church of *Rome* (*b*). Our Learned Eccleſiaſtical Hiſtorian Mr. *Dempſter* (*c*) aſſures us Biſhop *Murray* was an Author, and that he wrote,

Exortationes ad Eccleſiam ſuam, Lib. 1.
De Libertate Scotiæ, Lib. 1.

Philip de *Valoines* Lord of *Pammure*.

Among the many valiant *Norman* and *French* Commanders, who, by the Grant of their Leader *William* the Conqueror, came to be poſſeſſed of the greateſt Part of the Earldoms and Baronies of *England*, *Peter* de *Valoines* was one of the moſt eminent (*d*). The Sirname in Latin *Valoniis*, is from the Town and Viſcounty of *Valoines* or *Valoignes* in the Country of *Coſtantyn* in *Normandy*, where he was poſſeſſed of a fair Eſtate; as appears from the Military Fees of that Dutchy, printed by *du Cheſne* in his *Hiſtoriæ Normannorum Scriptores* (*e*). After the Conqueſt of *England*, the Victorious Duke, to reward his Valour and Merit, beſtowed many Lands on him, in ſix ſeveral Counties, *viz.* in *Eſſex*, *Norfolk*, *Suffolk*, *Hartford*, *Cambridge* and *Lincolnſhire*; as appears from the general Survey then made, called *Doomſday*, and yet preſerved in the Exchequer. And Sir *William Dugdale*, in his Baronage of *England*, mentions him to be ſo

(*a*) Extracta e Chronicis Scotiæ, Gilbertus ſpeaking of Biſhop Murray, and how nobly he defended the Liberties of the Scots Church, ſays, Poſtea Camerarius Regis, deinde Epiſcopus Catheneſis. (*b*) Camerarius de Scotorum Prælatis & Fortitudine, pag. 120. Lib. 3. (*c*) In his Hiſtoria Eccleſiaſtica gentis Scotorum, Lib. 7. p. 303. (*d*) Cambden's Remains, p. 141. Holingſhed, Vol. 2. p. 296. (*e*) Andr. du Cheſne Hiſtoriæ Normannorum Scriptores circa finem, p. 1047.

ſo great and powerful a Man, that he was Owner of no leſs than fifty ſeven Lordſhips, and that he and his Deſcendants were great Barons and Peers of *England* (*a*).

He was alſo High Sheriff of the County of *Eſſex*; as appears by a Writ of *William* the Conqueror directed to him as ſuch, to inſtate *Mauritius* Biſhop of *London* in certain Lands in that County, *anno* 1087 (*b*).

This *Peter* Lord *Valoines* fixed his Reſidence at the Caſtle of *Orford* in *Suffolk*, which he built himſelf, and which thenceforth became the Head, or Capital Seat of his and his Deſcendants Barony (*c*): Moreover this *Peter*, with *Abreda* his Wife, Daughter to *Hubert* Lord of *Rie*, and Siſter to *Eude*, Steward to King *Henry* I. (*d*), for the Health of the Soul of King *William* the Conqueror, and *Maud* his Queen, and for the good Eſtate of King *Henry* I. founded the Priory of *Binham* in *Norfolk*, and amply endowed it with Lands and Revenues, whereof the Mannor of *Binham* was Part, which he had by the Gift of the Conqueror: For the Charter of Foundation has theſe remarkable Words, *Quod beneficium & Elemoſinam ſpecialter facio pro anima Domini mei Willelmi Regis, qui Angliam adquiſivit, qui mihi dedit illud manerium* (*e*). Having ſurvived the Conqueror, he made no ſmall Figure under King *Henry* I. and is accounted by *Matthew Paris*, and a late ingenious Author Mr. *Newcourt*, in his Hiſtory of the Dioceſs of *London* (*f*), to be one of the greateſt Barons of that Reign. From that Prince he obtained the Mannors of *Eſſenden* and *Begeford*, with the Mills of *Hertford* (*g*); and in the ſeventh Year of his Reign, King *Henry* joined him in Commiſſion with the Biſhop of *Lincoln* and others, to determine the Difference concerning the Liberties of the Church of *Ripon* (*h*). By the forecited *Engliſh* Writers we are informed, that he was ſucceeded by *Roger* Lord *Valoines* his Son and Heir, who obtained from *Maud* the Empreſs a Confirmation of the Grant of King *Henry* I. of the Mannors of *Eſſenden* and *Begeford*, with all theſe other Lands whereof his Father died ſeiſed (*i*). Further, this *Roger* gave a Charter of Confirmation to the Monks of *Binham* of his Father's Donation, and that *pro anima Willelmi Regis, qui Angliam adquiſivit, & memoratum manerium patri meo dedit*, &c. (*k*), and by *Agnes* his Wife had Iſſue (*l*), ſix Sons, *viz.* 1. *Peter* his Heir, 2. *Robert* who ſucceeded to his Brother *Peter*, 3. *Geffrey de Valoines* Lord of *Barton* in *Yorkſhire*, and of ſeveral other Mannors, who married *Emme* de *Hamet*, Daughter to the Conſtable of *Normandy*, and died without Iſſue in 1190 (*m*), whereupon *Gunnora* his elder Brother's Daughter, and *Philip* de *Valoines* Lord of *Panmure* his younger Brother, being his Heirs, had Livery of his Lands (*n*). 4. *John de Valoines*, who devoted himſelf to the Church, and was a Prieſt (*o*). 5. *Philip de Valoines*, Lord of *Panmure*, Chamberlain of *Scotland*, of whom afterwards; and the 6. *Roger de Valoines* Lord of *Kilbride*, who firſt is mentioned with *Philip*, a Witneſs to his eldeſt Brother *Peter*'s Confirmation to *Binham* (*p*), and is afterwards expreſly deſigned *Philip*'s Brother, *Philippo de Valoniis & Rogero fratre ejus*, being Witneſſes to a Charter of *William* King of *Scotland* of the Church of *Hantwyſill* to the Monks of *Aberbrothock* (*q*), having, as his ſaid Brother, entered into the Service of that Prince, to many more of whoſe Charters he is a Witneſs, and got from him the Lordſhip of

Sſſ 2 *Kil-*

(*a*) Baronage of England, Vol. 2. p. 441. (*b*) Dugdale's Hiſtory of St. Paul's Church, p. 196. (*c*) Baronage, Vol. 2. p. 441. (*d*) Ibidem, and Vol. 1. p. 109. (*e*) Monaſticon Anglicanum, Vol. 1. p. 343. (*f*) Vol. 1. p. 849. (*g*) Baronage, V. 2. p. 441. (*h*) Ibidem & Monaſticon ut ſupra. (*i*) Baronage Vol. 2. p. 441. (*k*) Monaſticon, Vol. 1. p. 344. (*l*) Baronage, Vol. 2. p. 441. (*m*) Baronage, Vol. 2. p. 441. (*n*) Ibidem. (*o*) Monaſticon, Vol. 1. ut ſupra. (*p*) Monaſticon, V. 1. p. 344. (*q*) Chartulary of Aberbroth, in the Advocates Library.

Kilbride in *Scotland* (*a*). When he died is uncertain; but he left one Daughter *Iſabel* his Heir, married to *David Cummin* (*b*), a Branch of the ancient and great Family of the *Cummins*, to whom ſhe had *John Cummin* of *Kilbride* Juſticiar of *Galloway* (*c*), who, with the Reſt of the *Cummins*, was forfeited by King *Robert* the *Bruce*, and the Barony of *Kilbride* granted by that King to his Grandchild *Robert* the Great Steward of *Scotland* (*d*). But to return.

Peter Lord *Valoines*, who ſucceeded, confirmed his Father and Grandfather's Donations to *Binham* (*e*), and married *Gundred de Waren* (*f*), Daughter to *William* Earl of *Warren* and *Surrey*, by *Elizabeth* his Wife, Daughter to *Hugh* the great Earl of *Vermandois* (*g*); but dying without Iſſue, his Brother *Robert* ſucceeded in the Inheritance (*h*).

WHICH *Robert* Lord *Valoines* in 1166, the 12. of *Henry* II. upon the Aſſeſsment of that Aid for marrying the King's Daughter, certified his Knights Fees to be in Number Thirty, and a Third Part *de veteri feoffamento*, and Four *de Novo* (*i*); by which it appears he has had a prodigious Eſtate. He confirmed his Predeceſſor's Charters to the Priory of *Binham* (*k*), and alſo gave to the Canons of *Waltham* in *Eſſex*, the Church of all Saints at *Hertford*, for the Health of his Soul, and the Soul of *Hawiſe* his Wife (*l*), and died *anno* 1184, the 30. of *Henry* II. (*m*), leaving Iſſue, one Daughter *Gunnora* (*n*), who carried the great Barony of the *Valoines* in *England* to her Husband *Robert* Lord *Fitz-walter* (*o*), General and Mariſhal of the Rebellious Barons Army (*p*), by whom ſhe had one Daughter *Chriſtian* Counteſs of *Eſſex*, the Wife of *William Mandevill* Earl of *Eſſex* (*q*), upon whoſe Death, without Iſſue, in 1234, the Honour of *Valoines* went to *Peter* de *Maule* Lord of *Panmure*, and the other Heirs of the *Valoines* Family; of which afterwards.

I come now to *Philip* de *Valoines* Lord of *Panmure*, the fifth Brother, who carried on the Male Line, and whoſe Heirs ſucceeded to the Eſtate of this ancient Family. The firſt Mention I find made of him, is, as Witneſs to his eldeſt Brother *Peter*'s Charter to the Monks of *Binham* (*r*); and in 1190, the 2d of *Richard* I. he gave 100 *L.* for Livery of the Lands of *Geffery* his Brother, whoſe Inheritance came to be divided betwixt him and *Gunnora* de *Valoines* his elder Brother *Robert*'s Daughter (*ſ*).

HE moſt likely came to *Scotland* in the End of the Reign of King *Malcolm* IV. or Beginning of King *William*, when ſeveral other great Perſons of *Norman* Extraction, as the *Baliols*, *Bruces*, *Morevils*, *Somervels*, &c. are found ſettled in this Realm, and got Eſtates in divers Parts thereof, where their Poſterity long continued in Luſtre: For in the Reign of King *William*, 'tis plain that *Philip de Valoines* Lord of *Panmure* flouriſhed, and made no ſmall Figure at the Court of that Prince, with whom he ſeems to have been in great Favour; for he is a moſt conſtant Witneſs to the Royal Charters through the whole Courſe of King *William*'s Reign; as appears by the Chartularies of *Glaſgow* (*t*), *Paiſley* (*u*), *Aberbrothock*, *Newbottle*, *Dunfermling*, &c. (*x*). He is alſo Witneſs to King *William*'s Charter of *Errol* to *W. de la Hay*, and to many other Charters granted to his Barons (*y*).

AFTER the King had fallen misfortunately a Priſoner into the Hands of the *Engliſh*, at the Battle of *Anwick*, *anno* 1174, when the Peace was the enſuing Year concluded, and the

(*a*) Chartulary of Glaſgow in the Scots College at Paris. (*b*) Ibidem. (*c*) Rymer's Fœdera. (*d*) Hadington's Collections. (*e*) Monaſticon, Vol. 1. ut ſupra. (*f*) Baron. Vol. 2. p. 411. (*g*) Ib. Vol. 1. p. 75. (*h*) Monaſticon ut ſupra, and Regiſter of Binham in the Cotton Library. (*i*) Liber rubeus in Saccario. (*k*) Monaſt. ut ſupra. (*l*) Baron. & Monaſt. Vol. 2. (*m*) Baron. Vol. 2. p. 441. (*n*) Regiſter of Binham. (*o*) Ibid. & Baron. Vol. 2. p. 441. (*p*) Ibid. Vol. 1. p. 219. (*q*) Baron. Vol. 1. p. 205. & Regiſt. of Binham. (*r*) Monaſt. Vol. 1. p. 344. (*ſ*) Baron. Vol. 2. p. 411. (*t*) in the Scots College at Paris. (*u*) Penes C. de Dundonald. (*x*) In the Advocates Library. (*y*) Penes Comitiſſam de Errol.

the King's Ranſom concerted, *Philip de Valoines*, and other great Men of the Nation, whoſe Names here follow, were ſent to *England*, as the Hoſtages (*a*), *viz.* *David* Earl of *Huntingtoun* and *Gerioch* the King's Brother, *Duncan* Earl of *Fife*, *Patrick* Earl of *Dunbar*, *Malyſe* Earl of *Strathern*, *Malcolm* Earl of *Angus*, *Richard de Moreville*, *Philip de Valoines*, &c. How ſoon the Ranſom was paid, and the Hoſtages returned, the King was not unmindful of the Merit of theſe great Men, who had deſerved ſo well; and therefore, to reward *Philip de Valoines*, he made him a Grant of the Barony of *Panmore* and *Benvine*, in the County of *Forfar* (*b*), which ſeems never to have been in any Subject's Poſſeſſion before; and not long after advanced him to the great Office of Lord High Chamberlain of *Scotland*, either by the Death or Removal of *Walter Berckley*, about the Year 1180, after which he is deſigned *Camerarius*, in King *William*'s Confirmation of *Errol* to *David de la Hay* (*c*), and alſo in his Confirmation Charter to the Abbacy of *Aberbrothock* (*d*), and in a great Number of that King's other Charters, to be ſeen in moſt of the Chartularies of our Abbacies (*e*), having enjoyed that high Office near thirty four Years, even to the End of King *William*'s Reign, ſave one ſhort interruption, in which he was removed, as *Scoticronicon* relates. As the King's Munificence was very large to him, ſo the Church ſhared of his Liberality; for to the Monks of *Melros* he gave his Lands of *Ringwood* in *Roxburgh* Shire, in which he commemorates the Royal Family, whether dead or alive, according to the Cuſtom of the Time: For the Donation bears, *pro Redemptione animæ Regis* David, Henricii *Filii ſui*, *Regis* Malcolmi, *nec non pro ſalute animæ Domini mei*, Willielmi *Regis*, & David *fratris ſui* (*f*).

And to the Monks of *Paiſley* he gave an Annuity out of his Lands at *Kilbride*, which is afterwards ratified to the Monks of that Convent, by the Bull of Pope *Honorius* III. (*g*). To the Monks of *Coupar*, the Lord Chamberlain gave alſo, in pure and perpetual Alms, a Toft and Acre of Land, with the Liberty of Fiſhing & *aſiamenta maris* in his Port of *Stinchenhaven*, now *Maulesburgh*, lying in his Barony of *Panmure*, which was long after confirmed by his Succeſſor and Deſcendant Sir *Thomas Maule* Baron of *Panmure*, *anno* 1456.

In the Year 1208, the Lord Chamberlain was, with the Biſhops of St. *Andrews* and *Glaſgow*, and *William Cummin* Juſticiar of *Scotland*, ſent on a ſolemn Embaſſy to *John* King of *England* (*h*).

Upon the Death of King *William* in 1214, the young King *Alexander* II. when he came to the Crown, at a Parliament held at *Edinburgh*, made *Philip de Valoines* again Lord Chamberlain (*i*), which he did not enjoy one full Year, till Death took him away on the fifth of *November* 1215 (*k*), and was interred with great Solemnity in the Abbey Church of *Melros*, in the Chapter Houſe of the Monks, having been poſſeſſed of the Lordſhip of *Panmure* and *Benvine* in *Forfar* Shire his Capital Seat, with many Lands in the Weſt and South of *Scotland*, and ſeveral Lordſhips in *England*, and left Iſſue, *William* his Succeſſor in his Eſtate and High Office, and two Daughters, 1. *Sibille* the Wife of *Robert* Lord *Stutevill* (*l*), to whom *Philip de Valoines* her Father gave his Lordſhip of *Torpenhow* in the County of *Cumberland* in free Marriage, by his Charter, to which *Randulph* Abbot of

(*a*) Hoveden p. 146. (*b*) See in the Appendix the Charter to his Son of Panmore and Benvine, quas Philippo Patri ejus dedi. (*c*) Penes C. de Errol. (*d*) Chartul. of Aberbrot. in the Advocates Library. (*e*) In the Advocates Library. (*f*) Chartulary of Melros penes C. de Hadington. (*g*) Chartulary of Paiſley. (*h*) Scoticronicon M. S. in the Library of the College of Edinburgh. (*i*) Ibidem. (*k*) Chronicle of Melros, anno 1215. Nonas Novembris obiit Philippus de Valoniis Camerarius Domini Willielmi Regis Scotorum, qui apud Merlos delatus honorifice eſt tumulatus. (*l*) Bar. of Engl. Vol. 2. p. 456.

Jedworth, *Robert* Archdeacon of *Glaſgow*, &c. are Witneſſes (*a*). Of this Marriage was *Robert de Stutevill*, who died young, and *ſans* Iſſue; and the 2d *Lora de Valoines*, the Wife of *Henry de Baliol*, Chamberlain of *Scotland*, and Grand-uncle to the King of that Name (*b*), to whom her Father gave in Marriage his Lands of *Panlathy* and *Balbenie* in *Forfar* Shire; which, lying contiguous to the Barony of *Panmure*, were given in Excambion for other Lands by the ſaid *Henry de Baliol* to *Peter de Maule* Lord of *Panmure*, and *Chriſtian de Valoines* his Wife (*c*).

William de *Valoines* Lord of *Panmure*.

THE next Lord Chamberlain to *Philip* de *Valoines* was *William* his Son, who is firſt mentioned as a Witneſs to ſeveral Deeds in *England* (*d*), and, being bred at the Court of King *William* the *Lyon*, was a great Favourite with that Prince, as his Father had been. This noble Perſon, while he was but young, had a Charter from King *William* of the Barony of *Panmure* and *Benvine*, *quas Philippo patri ejus dedi*, ſays the Charter, which I have inſert intire in the Appendix. There is nothing further memorable of him, ſave that he is Witneſs to many of King *William*'s Charters, till the Death of his Father the Lord Chamberlain, that the young King *Alexander* II. who then acted by the Council of the great Men of the Kingdom, conferred that great Office on the Son of the Father, who had ſo long and ſo worthily filled it in the former Reign.

Willelmus de *Valoniis Camerarius* is Witneſs to a Charter granted by King *Alexander* to *Robert de Lundin* his Brother of a Toft of Land at *Scoon*, as free as any of his Barons held of the Crown, in which are alſo mentioned as Witneſſes, *William* de *Boſco* the Chancellor, who was Archdeacon of St. *Andrews*, *William Cummin* Earl of *Buchan* the great Juſticiar, and *Thomas* de *Lundin* the King's *Hoſtiarius* (*e*), an Office we are now able but very lamely to deſcribe.

HE is alſo a Witneſs, with the other great Officers of the Crown, in a Charter of King *Alexander*'s, ratifying, and perpetually confirming for himſelf and his Royal Succeſſors for ever, all the Liberties, Privileges and Immunities, which the King his Father had given to the Monks of *Aberbrothock*, when he founded and endued that noble and magnificent Monaſtry (*f*); he himſelf in pure Alms releaſing and exeeming them from the Payment of all Taxes, or whatever elſe could aggrieve them.

MOREOVER in 1218, the 3d of *Henry* III. he had the Tutory and Guardianſhip of *Robert de Stutevill* Lord of *Lidel* in *Cumberland* his Nephew, then under Age (*g*). This Gallant Man did not continue full four Years in the Office, till he was ſnatched away by Death in the prime of his Years at *Kelſo*, *anno* 1219 (*h*), and was interred ſolemnly in the Abbey Church of *Melros* near the Tomb of his Father. Concerning the Lord Chamberlain's Death and Interment, the celebrated Author of the Chronicle of *Melros* has theſe Words: *Obiit* Willielmus de Valoniis *apud* Kelchow, *cujus corpus*, *etiam contra beneplacitum Monachorum ejuſdem domus apud* Melros, *deductum eſt*, & *ibidem honorifice ſepultum in capitulo Monachorum*, *juxta Sepulchrum Patris ſui*.

HE left only one Daughter *Chriſtian* his ſole Heir, deſigned *Chriſtina de Valoniis Domina de Panmore*, who was married about 1224, to Sir *Peter*

(*a*) In Dodſworth's M. S. Collections Vol. 7. p. 216. in the Bodleian Library at Oxford. (*b*) Bar. of England V. 2. p. 524. (*c*) Charter of Panlathy in the Charter Cheſt of the honourable Family of Panmure. (*d*) Monaſticon ut ſupra. (*e*) Chartulary of Scoon penes Vicecom. de Stormont. (*f*) Chartulary of Aberbrothock, charta 108. in the Advocates Library. (*g*) Bar. of England Vol. 2. p. 458. (*h*) Chronicle of Melros, p. 191.

Peter de Maule (*a*), a noble Knight of *French* Extraction, to whom ſhe then brought the Barony of *Panmure*; and in *anno* 1234, upon the Death of *Chriſtian* Counteſs of *Eſſex* their Couſin, the ſaid Sir *Peter de Maule* Lord of *Panmure*, and *Chriſtian de Valoines* his Wife, ſucceeded, with *Lora* her Aunt, and *Iſabel* her Couſin, and their Husbands, to the great Eſtate and Honour of *Valoines* in *England*, conſiſting of many Lordſhips in the Counties of *Norfolk*, *Suffolk*, *Cambridge*, *Eſſex* and *Hartford*; for which they paid 100 *L.* as their Relief, to the King of *England* (*b*). And thereafter ſucceeding alſo to the Inheritance of *Sibille de Valoines*, Widow of the Lord *Stutevill*, Sir *Peter de Maule*, and *Lora de Baliol* his Wife's Aunt in 1253, were taxed, among the other Barons of *England*, to make the King's eldeſt Son a Knight, and paid Twenty Four Pound, as their Part of the ſaid Aid (*c*); but when the Family of *Panmure* loſt this Eſtate, which made them Barons of *England*, I know not; but 'tis probable that they have been forfeited by King *Edward* I. as the *Douglaſſes* and *Seatons* were of their Lands in *England*: And, no Doubt, their Alliance with the *Baliol* Family has alſo made them ſuffer in theſe Times. Moreover, this Sir *Peter de Maule*, and *Chriſtian de Valoines* his Wife, in 1254, gave in free Alms to the Monks of *Aberbrothock*

(*a*) Tho' I have given this noble Perſon's Deſcent in my Peerage, yet, not being ſo fully inſtructed, as I can now make it from the Documents I have ſince ſeen in his Deſcendants Cuſtody, who have a full Collection of the Writs and Records of the ancient Lords of Maule in France, I ſhall here give a ſhort Deduction of them.

This French Sirname is local, and taken from the Town and Lordſhip of Maule, in the Vexin-Francois, eight Leagues from Paris; which, together with the adjacent Barony of Panmore, belonged to Lords of that Name full 400 Years [*See both theſe Places in* Deliſle's *Map of the Prevote of Paris, Printed in* 1711.]

The firſt of this Family mentioned is Anſold Lord of Maule, who, with Rectrude his Wife, made a Donation in 1015 to the Priory of St. Martins de Champs at Paris. [*Hiſt. of Chaumont by Laboureur.*] He was ſucceeded by Guarin, and he by Anſold II. whoſe Son, Peter Lord of Maule, founded a noble Priory for Benedictines, depending on St. Euvroul, at his Town of Maule; and his Foundation Charter, dated in 1076, in which he names Anſold his Father, and Guarin his Grandfather, is printed in *Orderic. Vitalis.* Book 5.

He was one of the chief Commanders of the French againſt William II. King of England, when he invaded France in 1098. [*Hiſt. of Normandy by du Moulin.*]

His Son Anſold the III. was a great Captain, and famous in the Wars of Italy, and ſo powerful, that he had his Barons and Knights to ſerve him. [*Order. Vitalis.*] and was ſucceeded by Peter II. Lord of Maule, one of the French Generals at the Battle of Breneville in 1119, and married Ade, Daughter to the Earl of Guines, and Niece to the Lord of Montmorancy. [*Order. Vital. & du Moulin.*] His Son Roger Lord of Maule married Idoine, Daughter to the Viſcount of Chaumont and Matilde de Montmorancy his Wife. [*Laboureur.*] and his Son Robert Lord of Maule, anno 1237, went to the Holy Land, where he was taken Priſoner by the Saracens, and on his Return founded St. Leonard's Priory at Panmore in France. The laſt Lord of Maule, was another Robert, who was killed in Hungary in the War againſt the Turks in 1398, leaving one Daughter his Heir, married to Simon de Morainvilliers Lord of Flaccourt, Panetarius to the Dauphine, and Governor of Chartres and Mante. What is ſaid of theſe three laſt, appears by Inſcriptions on their Tombs, ſtill extant in the Church of Maule, with their Arms, the ſame born by the Maules in Scotland, whoſe Anceſtor was a Son of Peter I. of that Name, Lord of Maule, and came over to England with William the Conqueror in 1066. For Maule is not only placed by du Cheſne, and the French Hiſtorians, among thoſe who accompanied Duke William into England, but is alſo to be found in the Roll of Battle-Abbey in Holingſhed, Vol. 2. p. 294, and in R. Grafton, V. 2. p. 3. and by the Gift of the Conqueror enjoyed the Lordſhip of Hatton de Cliveland in Yorkſhire, and many other Lands in England. After the Conqueror's Death, in the Reign of his Son King Henry I. Robert and Stephen de Maule are principal Benefactors to the Abbacy of Whitby, to which they gave Eccleſiam de Hatton de Cliveland, Newton, Thorp, Littlehatton, &c. [*Monaſticon Vol. 2. p. 75.*] from whom deſcended Serlo de Maule, a Baron of England in the Reign of King John. [*Fox Martyr.*]

David the I. King of Scotland having entred England during the War betwixt Maud and Stephen, after the bellum Standardi in 1138, many of the Norman Engliſh of the Empreſs's Party in the North Counties followed David into Scotland, among whom was William de Maule, another of this Family, who got from King David the Lordſhip of Fowles in Scotland, and is frequently Witneſs to that King and his Son Prince Henry's Charters. [*Chartularies of St. Andrews and Glaſgow.*]

His great Nephew was Sir Peter de Maule Lord of Panmure and Benvine, in Right of his Wife Chriſtian de Valoines, which fair Barony lies contiguous to, and marches with that of Fowles.

(*b*) Communia memorandorum Saccarii ad Annum 19. Hen. III. ex M. S. Rogeri Dodſworth, V. 29. p. 29. and Vol. 46. p. 114. in the Bodleian Library at Oxford. (*c*) Ibidem Vol. 29. p. 88. and 100.

the Lands of *Braks*, lying in their Barony of *Panmore*; and after ſome Diſpute about their Marches, by a ſolemn Perambulation of the Lands by the Earl of *Buchan* the great Juſticiar, the Matter was compromiſed, and Sir *Peter* and *Chriſtian* his Wife contract a new with the Abbot and Convent, wherein they renounce all Title, Claim or Right whatſomever to the ſaid Lands of *Braks*, for the Payment of an Annuity of two Merks to them and their Heirs; thereafter this Annuity was given in pure Alms, as a Chaplainry in his Chapple of *Boath*, to the Biſhop and Biſhoprick of *Brechin* by *Walter de Maule* Baron of *Panmure* their great Grandſon, who, in his Mortification Charter, deſigns this Lady *Chriſtina de Valoniis quondam Domina de Panmore*. Both the Perambulation and the Donation of the Chaplainry I have inſert in the Appendix, for the Peruſal of the Curious.

Of this Sir *Peter de Maule*, whoſe Wife *Chriſtian de Valoines* brought him the noble and ancient Barony of *Panmure* and *Benvine* in *Scotland*, and a fair Eſtate in *England*, is lineally deſcended in a Male Line the noble Family of *Maule*, who have continued ever ſince either Barons or Earls of *Panmure*, and carry the Arms of *Valoines* quartered with their paternal Coat of *Maule*.

Henry de *Baliol* Lord of *Reidcaſtle*.

The next that enjoyed this great Office, was this *Henry* de *Baliol*, Son to *Ingelram* de *Baliol* Lord of *Bernard Caſtle*, by . . . . . his Wife, Daughter and Heir of Sir *Walter Berckley* of *Reidcaſtle* Chamberlain of *Scotland* aforeſaid. This *Henry*, in the 1215, was ſolemnly invited by *John* King of *England*, by a ſpecial Letter, to come into *England* with Horſe and Arms for the King's Service, (*a*).

In the 1224, the 11. of King *Alexander* II. he is Chamberlain of *Scotland*, and may be ſometime ſooner; for then we find him deſigned *Camerarius* in ſeveral of that King's Charters, particularly he is Chamberlain in the 12th of the King's Reign, in a Charter, whereby he ratifies and confirms the Grant which *Allanus filius Rolandi Conſtabularius Scotiæ* made *Hugoni de Crawfurde* of the Lands of *Monoch* in *Cunninghame*. The King's Charter is dated *apud Cadzew* (*b*). He married *Lora* de *Valoniis*, Daughter to *Philip*, and Siſter to *William* de *Valoniis* Lords of *Panmure*, and both Chamberlains of *Scotland* (*c*), with whom he got in frank Marriage from her Father his Lands of *Panlathy* and *Balbenie* in *Forfar* Shire (*d*), which he afterwards excambed with *Peter* de *Maule* Lord of *Panmure* and *Chriſtian* de *Valoines* his Wife, for other Lands lying more contiguous to his own Eſtate of *Reidcaſtle*.

In the 1234, upon the Death of *Chriſtian* Counteſs of *Eſſex*, the Lord Chamberlain and *Lora* his Wife ſucceeded as Co-heirs with *Peter* de *Maule* Lord of *Panmure*, and *Chriſtian* de *Valoines* his Wife aforeſaid, to the great Barony and Honours of *Valoines* in *England*, conſiſting of many fair Lordſhips in ſix different Counties in that Realm (*e*); about which Time he reſigned the Chamberlain's Place, which was thereupon given to Sir *John Maxwell* of *Carleverock*.

In the 1241, the 26. of *Henry* III. of *England*, he received Command, with the Reſt of the Barons of that Kingdom, to fit himſelf with Horſe and Arms, to attend that King into *Gaſcoigne* (*f*). He died in 1246 (*g*) and was interred at the Abbey Church of *Melros*, whereupon *Lora* his

(*a*) Sir William Dugdale's Baronage of England, Vol. 2. page 523. (*b*) Charta penes Comitem de Loudon. (*c*) Communia memoran. Saccarii in Dodſworth's Collections in the Bodleian Library. (*d*) Original Charter in the Charter Cheſt of the Honourable Family of Panmure. (*e*) Communia memorand. Saccarii in Dodſworth's Collections. Oxon. (*f*) Dugdale's Baronage of England, Vol. 2. p. 524. (*g*) Matth. Paris, p. 918, and the Chronicle of Melros.

his Wife doing Homage to the King of *England* had Livery, as *Dugdale* calls it, or Inveſtiture of all the Lands which he held of her Inheritance in the Counties of *Eſſex*, *Hertford* and *Norfolk* (*a*). He left one Daughter *Conſtance* his Heir, who brought the Barony of *Reidcaſtle* in *Forfar* Shire, and ſeveral other Lands, to one Mr. *Fiſhburn* her Husband, whoſe Son *Henry de Fiſhburn* is found poſſeſſed thereof (*b*) *anno* 1306.

Sir *John Maxwell* Lord of *Carleverock*.

A Learned Antiquary (*c*) obſerves, That the firſt known Anceſtor of this moſt noble Family, was one *Macus*, who, among other great Men, is a Witneſs in King *David*'s Foundation of the Abbacy of *Selkrig*, while he was only Earl of *Cumberland*, in the Lifetime of his Brother King *Alexander*, and ſo before his Acceſſion to the Crown in 1124. *Liolph. Filius Macus* is, according to the Cuſtom of that Time, deſigned patronimically in ſeveral ancient Deeds, in which he is to be met with, particularly in a Charter of King *Malcolm* IV. to the Abbacy of *Kelſo* in the 1159 (*d*), containing a full Enumeration of the Churches Lands, and all other Rights belonging to the Monaſtry. *Herbert* de *Macuſwell* is likewiſe to be found at the ſame Time, and no Doubt was deſcended of *Macus* formerly mentioned Poſſeſſor of thoſe Lands or Town, which gave to this *Herbert* and his Succeſſors the Sirname of *Macuſwell*, now *Maxwell*. This *Herbert* de *Macuſwell* gave, in pure and perpetual Alms, to the Abbacy of *Kelſo Eccleſiam de Macuſwell pro ſalute animæ ſuæ*, which is confirmed by King *Malcolm*, whoſe Son or Succeſſor was Sir *John Macuſwell*, who in the 1215 was one of the Commiſſioners ſent to *England* to treat about a Marriage betwixt King *Alexander* and the Princeſs *Jean*, a Daughter of that Crown, which was ſoon after happily concluded (*e*). About the ſame Time he executed the Office of High Sheriff of the County of *Roxburgh* (*f*), and was after that preferred to be great Chamberlain of *Scotland*, upon the Removal of *Henry de Baliol* from the Office, *anno* 1231. He is deſigned *Camerarius* in a Charter of King *Alexander* II. confirming the Privileges given formerly by his Father to the Monaſtry of *Arbroath*, the 3d of *July*, the Nineteenth Year of his Reign (*g*). He held this great Office for the Space of two Years, that he was removed, and Dr. *Bernham* put in his Room. He died in the 1241, and was interred at the Abbacy of *Melros* (*h*), leaving behind him a Son Sir *Eumer Maxwell*, who executed the Office of Great Chamberlain of *Scotland* in the next ſucceeding Reign.

David Biſhop of St. *Andrews*.

What was the Parentage or Extraction of this Prelate is not known: But it would appear he was a Man of Birth by his Education, which was liberal. No Author that I have ſeen has taken any Notice of what Station he had in the Church, till he was raiſed to the Primacy, upon the Death of Biſhop *Malevicine*, or any more concerning him, but that he was Great Chamberlain at the Time of his Promotion to the Biſhoprick, to which he was conſecrate by the Biſhops of *Glaſgow*, *Caithneſs* and *Brichen*, on St. *Vincent*'s Day, in the Year 1238 (*i*). He governed the See, ſays my Author,

(*a*) Baronage of England Vol. 1. page 524. (*b*) Ibidem Vol. 1. page 273. (*c*) Sir James Dalrymple of Borthwick in the Appendix to his Hiſtorical Collections concerning the Scots Hiſtory, pag. 406. (*d*) Chartulary of the Abbacy of Kelſo. (*e*) Rymer's Fœdera Angliæ. (*f*) Chartulary of Kelſo. (*g*) Regiſter of the Abbacy of Arbroath, ad Annum 1231. This ſeems to be the preciſe Year to which he was advanced to the Office, in Regard I find in a Charter of King Alex. II. to Radolph Biſhop of Aberdeen, the 18th of the King's Reign, in which Henry de Baliol is Camerarius in the Chartulary of Aberdeen, in the Lawiers Library at Edinburgh, M. S. (*h*) Chronicle of Melros ſays obit Joannes de Macuſwell, & apud Melros ſepilitur. (*i*) John de Fordon Scoticronicon Mr. Hern's Copy, p. 597.

(*a*), twelve Years, three Months and nine Days, and died on the 6th of the Ides of *May* 1253, and was interr'd in the Abbay Church of *Kelso*.

Robert de *Meyners*.

THIS Gentleman is first to be met with in the Time of King *Alexander* II. He is Witness to a Charter of that King's, whereby he ratifies and confirms a Grant by *Maldoneus* Earl of *Lennox*, to *Absolum Filius Masbed*, the original Ancestor of *Buchanan* of *That-ilk*, *De illa insula que vocatur Clarnis in Lochlemond, apud Linlithgow, sexto die mensis Septembris, anno regni nostri*, says the King, *septimo decimo*. The other Witnesses are *Willielmo de Bondington Cancellario nostro, Ivone de Kyrkepatrick & Michaele de Montealto* (*b*). Upon the Accession of King *Alexander* III. to the Crown, he was preferred to be great Chamberlain of *Scotland*, *anno* 1249, for the next ensuing Year, in a Charter by this Prince, *fratribus predicatoribus de Perth, ultimo die Maii, anno Regni dicti Regis secundo*, he is designed *Camerario nostro* (*c*). He held the Office till the 1253, that Sir *David Lindsay* was constituted Great Chamberlain (*d*). After this *Robert de Meyners* the old Chamberlain adhered with great Fidelity to King *Alexander*, against the rebellious Barons in the 1255 (*e*). He died in the 1266, as is noted by the venerable *John a Fordon*, *eodem anno*, says he, *obit Robertus de Manners quondam Camerarius Regis Alexandri*. The Chamberlain is said to be the Predecessor of the *Menzies* of *Weem*; but, in Regard I have not perused the Writs of that ancient Family, I cannot ascertain the Connection betwixt him and those of his Sirname, who are to be met with in the Rolls of King *Robert* I. and the succeeding Monarchs.

Sir *David Lindsay* Lord of *Crawford*.

THIS illustrious Person was the Son of another Sir *David de Lindsay*, who flourished under King *Alexander* II. for so he designs himself, when he ratifies and perpetually confirms to the Convent of *Newbattle*, for him and his Heirs, all the Lands in *territorio suo de Crawford, quas Willielmus de Lindsay avus meus*, says he, made *Deo & Ecclesie sancte Marie de Newbottle, & Monachis ibidem Deo servientibus, pro salute anime sue* (*f*). He gave moreover himself to the said Convent in *puram & perpetuam Eleemosinam Salinam suam in le Kerse, quam pie memorie*, says he, *Dominus Willielmus Rex fecit quondam Domino Willielmo de Lindsay avo meo* (*g*).

IN the 1256, Sir *David* was named Great Chamberlain of *Scotland* by a special Ordinance of Council, and that for seven Years (*h*); but he did not continue so long in the Place; for, upon a new Change of Measures, he was removed from the Office, and Sir *Eumer Maxwel* made Chamberlain in his Room. After that he undertook a Croisade to the Holy War for advancing the Christian Faith against the Infidels, in which Expedition he lost his Life. He left behind him several Sons, Sir *Alexander Lindsay* his Successor in the Barony of *Crawford* (*i*), and Sir *William Lindsay* of *Craigie* (*k*), which Lands he obtained by the Marriage of *Christian*, Daughter and Heir of Sir *John Hose* Knight, by whom he had a Son, Sir *Walter Lindsay* Knight, who ratifies to the Monks of *Paisley* the Donation of the Church of *Craigie*, and

(*a*) Ibidem, stetit Episcopus says Mr. Fordon, xii. annos iii. mensibus & ix. diebus. (*b*) Chartæ penes ducem de Montrose. (*c*) In a Collection of ancient original Charters battered on a Book of Imperial Paper, by Sir James Balfour of Kinnaird, who was Lord Lyon King at Arms, in the Reign of King Charles I. in the Lawiers Library at Edinburgh. (*d*) Fordon's Scotichronicon from the noble Copy in Vellum in the College Library at Edinburgh. (*e*) Rymer's Fœdera Angliæ, Tom 1. p. 566. (*f*) Chartulary of Newbottle in the Lawiers Library. (*g*) Ibidem. (*h*) Fordon's Scots Cronicon ad Annum 1256. (*i*) Chartulary of New[illegible] (*k*) Ibidem.

and the Lands thereunto belonging, mortified formerly by Sir *Walter Hose* one of his maternal Progenitors to that Convent, *pro ſalute animæ ſuæ* (*a*), according to the Cuſtom of that Time.

Sir *Eumer Maxwell* Lord of *Carleverock*

Was the Son of Sir *John Maxwell* of *Carleverock*, who was Great Chamberlain, as has been obſerved, in the former Reign. I have not diſcovered the preciſe Time that Sir *Eumer* came to the Office, but I find him in it, *anno* 1258; for then he is deſigned *Camerarius Scotiæ*, when, with others of the *Barones Regni Scotiæ*, he ſolemnly engages, that the Kingdom of *Scotland* ſhall not make a ſeparate Peace with the *Engliſh*, without the Conſent and Aſſent of the *Welſh* (*b*). This noble Perſon added to his own paternal Eſtate in the South, the Barony of the *Mearns* in *Renfrew* Shire, by the Marriage of the Heir Female of *Rolland de Mearns*, by whom he left Sir *Herbert* his Son and Heir, who carried down the Line of the noble Family of *Maxwell* to the preſent Time.

Gilbert de *Lempedlar*.

This Man, who I take to have been an Eccleſiaſtick of ſome Character and Reputation, was the next Great Chamberlain. Of him there is little to be met with, ſave that he is deſigned *Camerarius Regis*, in a Charter of Mortification by *Ricardus de Lincolna* and *Matilda* his Wife, *Filia & hæres*, as ſhe calls herſelf, *Anſelini de Mole*, whereby they give *Deo & Eccleſiæ ſanctæ Mariæ de Kelſo, & Monachis ibidem Deo ſervientibus, in puram & perpetuam Eleemoſinam, totam terram & pratum & nemus ſuorum in territorio de Mole*, as is bounded at Length in the Charter it ſelf, in the Regiſter of the Abbacy of *Kelſo* (*c*). It wants a Date, but, by the exacteſt Computation I could make, it ſeems to be in the 1260, or thereabout.

William Earl of *Mar*

Was the next Great Chamberlain I have met with in this Reign. He was the Son and Heir of *Duncan* Earl of *Mar*, who lived in the Reign of *Alexander* II. by *Orabella* his Wife, Daughter and Heir of *Neſius* the Son of *William* Lord of *Lathriſs* (*d*). In the 1255, the Earl is one of the great Men, who, as hath been already ſaid, ſolemnly engages, *Quod Scoti & Wallenſes non facient pacem cum Rege Angliæ, ſine mutuo conſenſu & aſſenſu* (*e*); and after that, in the Rebellion that broke out in the 1258, he moſt loyally adhered to King *Alexander*, and thereupon was taken into the Protection of the King of *England*, who engaged upon his Honour to defend him and the Reſt of the loyal Subjects of *Scotland* in the due Execution of Juſtice, according to the Laws of the Realm (*f*). In the 1266 he was made Lord High Chamberlain of *Scotland*: For, in an original Charter which I have ſeen, granted by King *Alexander* III. the 10th of *October*, the 17th Year of his Reign, the Earl is deſigned *Camerarius noſter* (*g*). He was ſucceeded by *Donald* Earl of *Mar* his Son, from whom the Succeſſion and Deſcent of the Earls in this illuſtrious Family are traced down to the preſent Time in the Peerage of *Scotland*.

Sir *Reynold Chyne* of *Innerugie*.

This noble Perſon was preferred to this great Office after the Earl of *Mar*, in the Year 1267, which he held till the 1269, that he re-

(*a*) Chartulary of the Abbacy of Paiſley, penes Comitem de Dundonald. (*b*) Mr. Rymer's Fœdera Angliæ, Tom 2. Page 653. (*c*) In the Lawiers Library. (*d*) Chartulary of the Priory of St. Andrews in the Hands of Sir Alexander Gilmoir of Craigmillar. (*e*) Rymer's Fœdera Angliæ, Tom. 2. p. 653. (*f*) Ibidem p. 670. (*g*) Sir James Balfour's Collection of original Charters, formerly mentioned, in the Lawiers Library.

ſigned the Chamberlain's Place, to which Sir *Thomas Randulph* was preferred (*a*).

Sir *Reynold* lived long after this; For in the 1284, he is one of the *Magnates Scotiæ* who went into the ſetling of the Succeſſion upon the Princeſs *Margaret* of *Norway* the King's Grandchild, in Failure of the Iſſue of his own Body (*b*), and afterward, upon the Death of the King, he was one of the Barons who addreſsed King *Edward* of *England*, that the young Queen of *Scotland* ſhould be married with the Prince his Son, in Order to an Union of the two Nations, *anno* 1289 (*c*). This Gentleman obtained the Barony of *Duffus*, by the Marriage of *Mary*, Daughter and Co-heir of Sir *Friskine de Moravia* Knight (*d*), by whom he had Sir *Reynold* his Son and Heir, who married *Euſtachia*, Daughter and Heir of Sir *William Colvil* of *Ochiltree* (*e*), his Male Iſſue failing in the Reign of King *David* II. his Eſtate went to his two Heirs Female. . . . . who was married to *Nicol Sutherland* of *Torbol*, Son to the Earl of *Sutherland*, with whom he obtained the Baronies of *Duffus* and *Strabrock*; and *Mary* to *John Kieth*, Son of Sir *Edward Kieth*, and Brother to Sir *William Kieth*, Mariſhal of *Scotland*, who got with her the Barony of *Innerugie*.

Sir *Thomas Randulph*.

The Sirname of *Randulph* is a Patronimick taken from *Radulph* the Chriſtian Name of their Anceſtor, who, we ſee, was a Man of Character and Figure about the Court in the Reign of King *William*, and is a very frequent Witneſs in the Charters of that Prince. *Thomas* his Son, who deſigns himſelf *Thomas Filius Ranulphi*, is to be met with in many Deeds of King *Alexander* II.

In the 1237, he is one of the *Magnates*, who ſwore to the Obſervance of the Peace, that was then agreed to betwixt King *Alexander* and *Henry* III. of *England* (*f*). He died in the Year 1262, and was interred at the Abbay Church of *Melros* (*g*), leaving Iſſue by *Juliana* his Wife, Sir *Thomas Randulph* the Lord Chamberlain his Son and Heir, who had great Poſſeſſions in the South, and was preferred to the Chamberlain's Place in the 1269, upon the Reſignation of Sir *Reynold Chyne*, as hath been ſaid (*h*). I find him deſigned *Camerarius Domini Regis* in a ſolemn Agreement betwixt Sir *Symon Lockhart* of *Lee*, and the Abbot and Convent of *Kelſo*, anent the Right of Preſentation to the Church and the Tithes of the Pariſh of *Symonton*, which had been formerly given to that Abbacy by Sir *Malcolm Lockhart* Sir *Symon*'s Father: The Compromiſe bears Date, *Die Lunæ proxima ante feſtum Sancti Laurentii* 1273, *in preſentia nobilorum Dominorum Thomæ Randulphi, tunc Domini Regis Camerarii, Domini Willielmi de Douglaſs, Domini Nicolai de Ingris, tunc Vicecomite de Lanerc* (*i*). He continued in the Office till about the 1278 he was removed, and Mr. *Lindſay* was made Chamberlain in his Steed. How long he lived after this I cannot be poſitive; but I find him amongſt the other great Men of the Kingdom in the Year 1284, addreſſing the King of *England* about a Marriage betwixt the Prince his Son, and the young Queen of *Scotland*, which is all that I have found further memorable of him (*k*), ſave that by *Iſabel* his Wife, Daughter of *Robert* Earl of *Carrick*, and Siſter to King *Robert* I. (*l*), he left a Son the renowned

(*a*) J. Fordon, ad Annum 1269. Reginaldus de Chyne, ſays my venerable Author, Camerarius Domini Regis curam ſuam reliquit, & Dominus Thomas Filius Thomæ Filii Radulphi Camerarius eſt effectus. (*b*) Rymer's Fœdera Angliæ ad annum 1284. (*c*) Ibidem ad annum 1289. (*d*) Chartulary of the Epiſcopal See of Murray in the Lawiers Library at Edinburgh. (*e*) Rymer's Fœdera, and the Chartulary of Melros in the Lawiers Library. (*f*) Mr. Rymer's Collections, Tom. 2. p. 376. (*g*) Cronicon de Melros obit, ſays that Hiſtorian, anno 1262. Thomas Filius Radulphi & Juliana Sponſa ejus, quorum corpora ad Melroſenſe cœnobium fuerunt honorifice tumulate. (*h*) Fordun ut ſupra ad annum 1269. (*i*) Regiſter of the Abbacy of Kelſo in the Lawiers Library at Edinburgh. (*k*) Rymer's Fœdera Angliæ, Tom. 2. p. 472. (*l*) Charta in Rotulis Roberti I.

renowned and heroick Patriot Sir *Thomas Randolph*, who, in Reward of his great Merit, was, by the King his Uncle, raised to the Honour of Earl of *Murray*, Lord of *Annandale* and *Man*, in the 1313 (a), of whom we shall give a more particular Account, when we come to treat of the Great Justiciars of *Scotland*, an Office he very worthily filled in a Reign he made so glorious a Figure in, both as Justicary, and afterwards as Regent of *Scotland* in the Minority of King *David* II.

John Bishop of Glasgow.

THIS noble Prelate was a younger Branch of the illustrious Family of the *Lindsays* of the House of *Crawford* (b). Being from his Youth bred to the Church, and taking holy Orders he was made a Prebend of *Glasgow*, and after that preferred to be Great Chamberlain of *Scotland*, by *Alexander* III. *anno* 1279; for then he is designed, in a Charter by that Prince, *Camerarius noster*, whereby he ratifies and confirms the Surrender which *Joannes de Strauchychen, filius & hæres Domini Radulphi de Strauchychen* made of the Lands of *Batheldys* to the Abbacy of *Dunfermling*, dated the 2d of *October*, the 30th of the King's Reign (c). He very likely continued in the Office till the Death of the King, in the Year 1285; at least, I have found no other Chamberlain during the Remainder of that Reign. During the troublesome Times that ensued, there is little or nothing to be met with concerning Mr. *Lindsay*; it is probable he lived quietly at his Cure, and wholly employed himself in the Duties of his Function till the the 1318, King *Robert* the *Bruce* preferred him to the Episcopal See of *Glasgow*, which had been void for two Years, by the Death of the ever memorable and loyal Bishop *Wisehart* (d). In the 1319, Bishop *Lindsay* being, it seems, fully and regularly invested in the Bishoprick, King *Edward* II. of *England* directs a Mandate to him, by Virtue of his Claim of Superiority over *Scotland*, to collate an *English* Clerk, one Mr. *Coucy*, whom he had presented to the Deanry of *Glasgow*, and withal, requiring the Bishop to allow his nominal Dean, *Stallum in Choro, & locum in capitulo Glasguen. Ratione*, says he, *Decanatus prædictæ cum suis juribus & pertinentiis quibuscunque* (e). In the 1322, Bishop *Lindsay*, *unanimi consensu & assensu capituli sui divini charitatis intuitu*, gave *Deo & Ecclesiæ sancti crucis de Edinburgh, & canonicis ibidem Deo servientibus, & in perpetuum servituris, vicariam Ecclesiæ de Dalgarnock nostri Diocesis in puram & perpetuam Eleemosinam*, (f). After that, by his Episcopal Authority, he ratifies and confirms a Donation made to the Chapter, by Sir *William Lindsay* Rector of *Air*, which I have seen, whereto he appends his Seal, *& ad majoris hujus rei evidentiam sigillum privatum*, says he, *Serenissimi Principis Domini Roberti Dei Gratia Regis Scotorum, præsentibus apponi procuravi, una cum sigillo communi capituli Glasguen. & sigillo officialitatis ejusdem, ac sigillo communitatis Glasguen.* Testibus to the Deed, *Domino Willielmo Lamberton Episcopo sancti Andreæ, Domino Mauritio Episcopo Dunblanen. Magistro Joanne Fleming Rectore Ecclesiæ de Bothwel, nobilibus viris Waltero Senescallo Scotiæ, Jacobo de Douglas Domino ejusdem, Domino David de Lindsay Domino de Crawfurd, Malcolmo*

(a) Charter of Erection of the Earldom of Murray by King Robert the Bruce in Favours of his Nephew Sir Thomas Randulph, in the Chartulary of the Episcopal See of Murray in the Lawiers Library at Edinburgh. (b) Reliquiæ Sancti Kentigerni, sive de vitis Episcoporum Glasguen. (c) Chartulary of Dunfermling in the Lawiers Library. (d) Reliquiæ Sancti Kentigerni, where it is remarked, that upon the Death of Bishop Wisehart, the Chapter elected Stephen Dundemore to the See; the Choice being very disagreeable to the King of England, he wrote to the Pope in the 1317 to quash the Election, but his Death soon thereafter prevented any further Work about him. (e) Mr. Rymer's Fœdera Angliæ ad annum 1319. (f) Reliquiæ Sancti Kentigerni, where the Bishop's Charter is insert at full Length, and bears Date at Edinburgh the 1st of March 1322, wherein are insert as Witnesses, Domino Bernardo tunc Cancellario Scotiæ, Domino Roberto de Peblis Camerario ejusdem, Domino Willielmo de Lindsay Canonico Glasguen. & multis aliis.

Fleming, Adam More, & Waltero filio Gilberti militibus, Reginaldo More, Petro de Strathern, Fergusio de Barde, & multis aliis. Datum apud Glasgu. septimo die mensis Maii, Anno Domini mileſſimo tricenteſſimo viceſſimo ſeptimo (*a*). He gave moreover to the Monaſtry of *Kelſo*, which had been miſerably deſtroyed by the Incurſions of the Enemy in the Time of the War, toward the Repair of the Fabrick, the Church of *Egilsmalyvock, in vale de Clyde, cum decimis ſuis, pro ſalute Roberti Regis Scotiæ, nec non pro ſalute animæ ſuæ & animarum ſucceſſorum ſuorum Epiſcoporum Glaſguen.* The Witneſſes to the Deed are *William, William*, and *Maurice* Biſhops of St. *Andrews, Dunkeld* and *Dunblain, William, Robert*, and *David* Abbots of *Melros, Jedburgh* and *Drybargh, Thomas* Earl of *Murray, Patrick* Earl of *March*, Sir *James* of *Douglas, Robert* of *Keith, Alexander* of *Seaton, tunc cuſtode vilæ de Bervick, & Robert de Laudre tunc Juſtitiario Laudoniæ* (*b*). Here the Biſhop ſat till his Death, on the 9th of *April* 1325, and was interr'd in the Cathedral Church, nigh to the Altar of the Bleſſed Virgin, and was ſucceeded in the See by Dr. *John Wiſehart* Archdeacon of *Glaſgow* (*c*).

Sir *Alexander Baliol* of *Cavers*,

The Lord Chamberlain, was the Son of *Hugh de Baliol* Lord of *Harcourt* and *Caſtle-Bernard*, a Nobleman who had great Poſſeſſions both in *England, France*, and this Realm (*d*). We find him ranked amongſt the Great Men of *Scotland*, who ſwore to the due Obſervance of the Peace, that was then concluded betwixt King *Alexander* II. and King *Henry* III. of *England, anno* 1237 (*e*). He was alſo a Benefactor to the Monks of *Kelſo*, by confirming to them a Fiſhing upon *Tweed*, formerly mortified by *Bernard de Baliol* his Anceſtor to that Convent (*f*). His ſecond Son, Sir *Alexander*, the Lord Chamberlain, had the Barony of *Cavers* in *Teviotdale* himſelf, from whence he aſſumed his Title and Deſignation; for I find him deſigned *Alexander de Baliol de Cavers*, in the 21ſt of *Alexander* III. in a Charter by that Prince, whereby he confirms a Donation by *Patricius Comes de Dunbar* to the Nuns of *Caldſtream*, together with *Hugo de Barclay Juſtitiarius Laudoniæ* (*g*). After that, in the 1284, by the ſame Deſignation of *Dominus de Cavers*, he is one of the *Magnates Scotiæ*, who ſolemnly obliged themſelves to receive and acknowledge the Princeſs *Margaret* the King's Grandchild, by the Queen of *Norway* his Daughter, in Failure of Iſſue of his own Body. The ſame Year he had a Summons to attend the King of *England*, as one of the Barons of that Realm, into his Wars beyond Sea; but being employed at the Time by King *Alexander* in ſettling the Eſtate of the young Earl of *Athole*, upon the Death of his Father, his Abſence was diſpenſed with, I preſume, upon a Letter of Excuſe King *Alexander* wrote to King *Edward* for that Effect (*h*). In the 1289, he, *Alexander Baliol de Cavers*, amongſt other Barons of *Scotland*, wrote to the King of *England*, moving that a Treaty of Marriage might be ſet on Foot, betwixt their young Queen of *Scotland*, and Prince *Edward* his Son (*i*). But the Death of the Lady ſoon after prevented the Proſpect of uniting ſo happily the two Kingdoms, as was then projected, and which many good Men do ſtill ſo much regrete.

In the 1290, when the Competition began about the Crown, betwixt *John Baliol* Lord of *Galloway*, and *Robert Bruce* Lord of *Annandale*, Sir *Alexander Baliol* was

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(*a*) Excerpts from the Chartulary of Glaſgow, which belonged to my learned and worthy Frien Mr. Alexander Baillie of Caſtlecarie. (*b*) Chartulary of Kelſo in the Lawiers Library. (*c*) Rymer's Fœdera Angliæ. (*d*) Dugdale's Baronage of England. (*e*) Rymer's Fœdera Angliæ, (*f*) Chartularium Eccleſiæ de Kelſo. (*g*) Chartulary of the Nunery of Caldſtream, which I have ſeen in the Hands Mr. James Anderſon Writer to the Signet. (*h*) Rymer's Fœdera Angliæ, Tom. 2. p. 266. Tom. p. 280. Litera excuſatoria Edwardo Regi Angliæ pro Alexandro Baliolo de Cavers. (*i*) Ibid

conſtituted Great Chamberlain of *Scotland*: But whether he was named by the Lords of the Regency, or the King of *England* as ſuperior and direct Lord of *Scotland*, as he called himſelf, I know not; but 'tis like he was by King *Edward*, ſince we find he named the Chancellor of *Scotland* at this Time: However it be, he directs a Precept to the Chamberlain to pay monthly to the Biſhop of *Caithneſs* the Chancellor Twenty Merks, and to Mr. *Agmundeſham* his Colleague in the Office Ten Merks *de receptis cameræ*, for defraying their Charges *in ſubvenſionem expenſarum ſuarum in officio quamdiu ſteterunt in eodem* (*a*). Upon the Acceſſion of King *John* his Nephew to the Crown of this Realm, *anno* 1292, the Lord Chamberlain, as the King himſelf had done, ſwore Fealty to the King of *England* as Over-Lord of *Scotland*, a Submiſſion, we muſt own, was very generally gone into; and after that he promoted all the Meaſures were taken toward ſubjecting of *Scotland* to the *Engliſh* with all poſſible Zeal; no doubt, it was for Fear of forfeiting his Eſtate in *England*, which was ſo conſiderable, that Sir *William Dugdale*, in his Baronage of *England* (*b*), tells us, he had Summons to Parliament from the 28th to the 34th of *Edward* I. inclusive: And moreover, in the 1ſt of *Edward* II. he had Summons to attend *John de Britania* Earl of *Richmond* the King's Lieutenant into *Scotland*, with Horſe and Arms, and to yield him his beſt Aſſiſtance againſt the *Scots*, which we find he did with the utmoſt Fidelity (*c*). His Zeal that Way, it would appear, rendered it not ſo ſafe for him to continue in the Chamberlain's Place of *Scotland*, which thereupon the King of *England* conferr'd upon an *Engliſh* Gentleman, *John de Sandale*, to whom, with the Biſhop of St. *Andrews*, *Robert Keith*, and *John Kingſtoun*, he committed the Government of this Kingdom, *anno* 1305 (*d*).

The Lord Chamberlain married *Iſabel*, the Daughter and Heir of *Richard de Chilam*, Widow of *David de Strathbogie* Earl of *Athole* (*e*), and had a Son *Alexander*, who was impriſoned in the Tower of *London*, by Order of King *Edward* II. 'tis like becauſe he was ſomewhat more in the Intereſt of *Scotland* than his Father; but upon Security given by his Father, and two Gentlemen of the *Lindſays*, he was inlarged (*f*). From hencetorth I have met with nothing concerning him either in any Record, or in the Hiſtorians of the Time: I judge he adhered to the *Engliſh* Intereſt, and was therefore forfeited by King *Robert*, and the Barony of *Cavers* given to the Earl of *Mar*; yet he left a Son by Dame *Iſabel Stewart* Counteſs of *Mar* his Wife, as I take it, *Thomas de Baliolo*, as he calls himſelf, who got the Barony of *Cavers* from *Thomas* Earl of *Mar*, whom he calls his Brother; but having no Iſſue of his own Body, he reſigns his Eſtate in the Hands of his Superior, *William* Earl of *Douglas*, who was his Brother-in-law, *Apud Cavers die martis proxima poſt feſtum aſſentionis* 1368 (*g*); upon which the Earl gave the Patronage of that Church to the Monaſtry of *Melros*: And ſo ended the Family of the *Baliols*, after they had continued in great Luſtre in this Realm for upwards of 200 Years.

Sir *William Lindſay* Rector of *Air*

Was another Branch of the Houſe of the *Lindſays* of *Crawfurd*. Being a younger Brother he devoted himſelf to the Service of the Church, and entering into Holy Orders, he was not long thereafter made

(*a*) Rymer's Fœdera Angliæ, Tom. 2. p. 532. apud Berwick ſuper Tweedam, 28th of July 1291. (*b*) Tom. 1. p. 528. (*c*) Ibidem ad annum 1307. (*d*) Ibidem. (*e*) Dugdale's Baronage of England ut ſupra. (*f*) Ibidem. (*g*) Chartularium Abbatiæ de Melroſs, penes Comitem de Hadington, and Rymer's Fœdera Angliæ.

Rector of *Air*, and a Canon of *Glaſgow* (*a*). After that, in the 1317, he was preferred to be great Chamberlain of *Scotland* by King *Robert* I. for ſo I have found him deſigned in a Contract betwixt him on the one Part, in which he is deſigned *Rectorem de Air, & Camerarium Scotiæ*, and *Andrew Leſly*, Son and Heir of Sir *Norman Leſly* Knight, with Conſent and Aſſent of *Mary* his Wife, Daughter, and one of the Heirs of Sir *Alexander Abernethy* Knight, whereby the ſaid *Andrew* obliges himſelf to infeft Sir *William* heritably in the Barony of *Cairny* in *Fife*, the 19th of *June* 1317 (*b*). Moreover he is Witneſs in a Charter granted by King *Robert* I. *Duncano Campbel militi & Suſanæ ſponſæ ſuæ* of the Lands of *Loudon* and *Stinſtoun in Cuningham, predictos Duncanum & Suſanam ſponſam ſuam hereditarie contigentes ratione dictæ ſponſæ*, then erected, *in unam integram & liberam Baroniam*, &c. *Teſtibus Bernardo Abbate de Aberbroth Cancellario noſtro, Willielmo de Lindſay Camerario noſtro, Waltero Seneſcallo Scotiæ, Jacobo Domino de Douglas, & Roberto de Kieth Mariſcallo Scotiæ Militibus: Apud Penycuik, Quarto die Januarii, anno Regni noſtri Duodecimo* (*c*). He continued in the Chamberlain's Place till the 1322 he was remov'd from the Office; to which Dr. *Robert Peebles* another Clergyman was preferred. I find the Rector of *Air* alive long after this; but whether he was ever promoted to any higher Station in the Church than the Parſonage of *Air*, I could not diſcover.

Dr. *Robert Peebles* Canon of *Glaſgow*.

THIS Gentleman was the next Chamberlain in the Reign of King *Robert* I. I know nothing about him, ſave that he was a Canon of *Glaſgow*, and in this great Office: For in a Mortification by Biſhop *Lindſay* of *Glaſgow* of the Vicarage of the Church of *Dalgarnock* within his Dioceſs, to the Abbacy of *Holyroodhouſe*, in the 1322, *Dominus Robertus de Peebles Camerarius Scotiæ* is a Witneſs (*d*). What became of him afterward, or if he died in the Office, I cannot tell.

Sir *Alexander Fraſer* Lord of *Cowie*.

ALL our Antiquaries are agreed that the ancient and illuſtrious Family of the *Fraſers* are extracted from a *French* Origin: But they are uncertain as to the Time they firſt tranſplanted themſelves into this Realm. Sir *George Mackenzie* (*e*) and others, derive them from *Pierre* a *Frenchman*, who came into *Scotland* with the Ambaſſadors of *Charlemaign* to King *Achaius*; but what Authority that learned Gentleman had for this, I know not. All that can be ſaid, with any Certainty, of their Origin, is, that our Hiſtorians mention this Sirname amongſt the firſt of thoſe that we had from *France*, (*f*), and their Aſſertion is ſupported by the Armorial Bearing of the Family, which was a Field *Azure Seme* with Strawberries, called in *French Fraiſes*, and theſe were afterward reduced to ſix or ſeven, and now to three.

THE firſt of this noble Family I find mention made of by any Author of Note, is *Simon Fraſer*, who is ſaid by Dr. *Abercromby* (*g*), and Mr. *David Simpſon* (*h*), to have married *Margaret*, the eldeſt Daughter of *Walter* the firſt Great Steward of *Scotland*, Grandſon of *Banquho*, the noted Thane of *Lochaber*, and the Paternal Anceſtor of the Royal Family of the *Stewarts*, who lived in the

(*a*) Chartulary of the Abbacy of Paiſley, and the Excerpts from the Chartulary of the Epiſcopal See of Glaſgow. (*b*) Charta penes ducem de Douglaſs. (*c*) Charta penes Comitem de Loudon. (*d*) Charta in publicis Archivis. (*e*) Sir George Mackenzie's Eſſay, &c. upon the Origin and Deſcent of the ancient Families of Scotland, M. S. (*f*) Boethius, Holingſhed, &c. (*g*) In his Martial Atchievments of the Scots Nation, Vol. 1. p. 446. (*h*) In his Genealogical and Chronological Hiſt. of the Stewarts, p. 23.

the Reign of King *Malcolm Canmore* cotemporary with *William* the Conqueror: But waving a great Deal that might be ſaid on the Deſcent and Succeſſion of the *Fraſers*, we ſhall come directly down to the Reign of King *David* I. where, from authentick Records (*a*), we find that *Simon Fraſer* grants to the Monks of *Kelſo* the Church of *Keith*, with certain Lands and Woods near it, together with Privilege of Fewel and Paſture, and Freedom from Multures and Services, *molendini & ſtagni*, &c. (*b*). The Donation being very far back, and containing ſeveral ſingular Clauſes, I have put it into the Appendix. King *Malcolm* IV. confirms this Grant of the Church of *Keith*; ſo that we may reaſonably reckon, that *Simon Fraſer* liv'd in the Time of King *David* I. as hath been ſaid: And ſince he makes ſo conſiderable a Donation, and grants a Freedom from all Services, 'tis highly probable he was at leaſt Superior of that whole Barony. He left a Daughter his Heir *Adda* married to *Hugo Lorens*, who got with her the Lands of *Keith*, and they confirm the Donation of *Simon Fraſer* to the Monks of *Kelſo* (*c*). Their Daughter and Heir was married to *Herveus Filius Philippi Mariſcalli*, Father to Sir *John de Keith*, and the Anceſtor of the Earls *Mariſhal* (*d*). This *Herveus* confirms the Donation of *Simon Fraſer* to the Monks of *Kelſo*, and they obtain from *Alexander* II. a Charter confirming *Donationem quam Simon Fraſer eis fecit de eccleſia de Keith, cum tota illa terra, & toto nemore ab auſtrali parte rivoli qui currit juxta predictam eccleſiam per rectas diviſas contentas, in confirmatione Herveii filii Philippi Mariſcalli*, &c. (*e*).

The next conſpicuous Perſon of this illuſtrious Houſe is *Bernard Fraſer*, whom we find the Head of the Family in the Beginning of the Reign of King *Alexander* II. or ſooner; for then we find him witneſſing ſeveral Charters of *Patrick* Earl of *Dunbar*, together with *Patrick* and *William* the Earl's Sons to the Monks of *Newbottle*; as appears from the Chartulary of that Monaſtry in the Lawiers Library. This *Bernard Fraſer* grants a Mortification to the Monks of *Newbottle* himſelf for the Souls of his Predeceſſors. His *Teſtibus, Domino Rege Alexandro, Domino Willielmo de Bondington Cancellario, Neſſio fratre meo, & aliis* (*f*). And by another Charter he confirms to theſe Monks two Donations; one made by his Brother *Neſſius de London*, and the other by his Brother's Uncle *Neſſius filius Neſſii*, which he had granted to them, *anno* 1204; and the Witneſſes to this Confirmation are *Domina Emergerda Regina Scotorum, Patricio Comite, & aliis* (*g*). A Brother of this *Neſſius de London* is *Joannes de Morref* or *Murref*, *filius Joannes de London*, who likewiſe makes a Donation to the Monks of *Newbottle*. His *Teſtibus, Domino meo Bernardo Fraſer*, &c. (*h*), and *Bernard* confirms the Grant of *Joannes de Londres Murref, filius Joannes de Londres* of ſome Lands in *Weſt-Forton* to the ſaid Convent (*i*). He *Bernard Fraſer* grants likewiſe to *Newbottle* the Lands of *Milnehale* in *North-hale*, which he had evicted from *Maria de Hales* the Daughter of *Kelvert*, who pretended a Right to them (*k*). This *Bernard* was High Sheriff of the County of *Stirling* in the Time of *Alexander* II. (*l*), which, we find, continued in his Deſcendents down to the Grandchildren of the Lord Chamberlain, whoſe Life I am writing. He was alſo one of the *Barones* or *Magnates Scotiæ*, as they are promiſcuouſly called, who ſwore to the Peace agreed on betwixt *Alexander* II. and *Henry* III. of *England* at *York*, *anno* 1237, by the Mediation of *Otto* the Cardinal Legate, and who ſubjected themſelves

(*a*) Chartulary of the Abbacy of Kelſo, M. S. in the Lawiers Library at Edinburgh. (*b*) Chartulary of the Abbacy of Kelſo in the Lawiers Library. (*c*) Ibidem. (*d*) Peerage of Scotland. (*e*) Chartulary of Kelſo ut ſupra. (*f*) Chartulary of Newbottle. (*g*) Ibidem. (*h*) Ibidem. (*i*) Ibidem. (*k*) Ibidem. (*l*) Chartulary of the Abbacy of Cambuskenneth in the Lawiers Library.

ſelves with the King to the Juriſdiction of the Pope, if they at any Time ſhould go againſt that Oath (*a*). The other Guarantees of the Peace, upon the Part of *Scotland*, were *Comes Malcolmus*, *Walterus filius Allani*, and, upon the Matter, moſt of the Earls and Great Barons in the Kingdom. Neither are we to forget that he is a frequent Witneſs to Charters granted by King *Alexander* II. to the Monks of *Newbottle*, *Cambuſkenneth*, and other Religious Perſons and Places throughout the Kingdom. Cotemporary with this Gentleman I find *Oliver* the Son of *Kelvert*, whoſe Nephew and Succeſſor *Adam* the Son of *Udard* carries the Sirname of *Fraſer*, and makes Donations to the Monks of *Newbottle* out of the Lands of *Hale* (*b*), Part of which *Bernard Fraſer* had evicted from *Maria de Hales*, the Siſter of *Oliver*. *Adam*'s Son *Laurentius Fraſer* I find is afterward deſigned *Dominus de Drumlezer* (*c*): The Heir Female of this Branch of the *Fraſers*, ſoon after went by Marriage to the *Tweedies*, who long continued a very flouriſhing Family in the County of *Tweedale*.

To *Bernard Fraſer* ſucceeded Sir *Simon Fraſer* his Son, who was High-Sheriff of the County of *Tweedale*, ſtiled in the Record *Vicecomes de Peeblis*, in the Beginning of the Reign of King *Alexander* III. (*d*). He is one of the *Barones Regni Scotiæ*, who, upon the Death of *Alexander* Prince of *Scotland*, Son of *Alexander* III. obliged themſelves by a ſolemn Writ to receive the Maid of *Norway* for their Queen, and Heir of the Crown (*e*). He is likewiſe one of the Great Barons of the Kingdom, who, in Name of the Community of *Scotland*, and in Conjunction with the Guardians, Prelates and other Barons of the Kingdom, wrote a Letter to King *Edward* I. of *England*, anent marrying the Maid of *Norway* to Prince *Edward* his Son, *anno* 1289 (*f*); and he with his whole Family maintained the Title of the *Baliol*, till it was baſely ſurrendered by himſelf; when Sir *Simon*, with *William Fraſer* Biſhop of St. *Andrews*, Sir *Richard Fraſer* and *Andrew Fraſer* were four of the Auditors named on the Part of the *Baliol*, for determining the Right of the ſeveral Competitors for the Crown, 5. *June* 1291 (*g*); and the 12th of the ſame Month, he ſwore Fealty to the King of *England*, with others of the *Scots* Nobility at *Norham* (*h*). He alſo mortifies to the Monks of *Kelſo* the Lands of South *Kingledoors*, with the Chapple of St. *Cuthbert* of *Kingeldoors*, with the Lands of *Hopcarthne*, &c. which is all that I have found that is further memorable of him. His younger Brother was *William* Biſhop of St. *Andrews*, and Chancellor of the Kingdom in the Reign of King *Alexander* III. as hath been taken Notice of in the former Part of this Work, concerning whom ſeveral Things having occurred to me ſince the Printing off of his Life, as Lord Chancellor, I hope the Reader will forgive me to add them here, ſince it ſerves to illuſtrate ſomewhat more fully the Life of this great Prelate, who deſerves to have his Memory celebrated, as one of the moſt noble Patriots this Country ever had the Honour to produce. While he was Lord Chancellor, we may obſerve, that he was named Arbiter by the King, with Conſent of Parties, for judging an important Law-Suit anent the Succeſſion to the Earldom of *Menteth*, which he determined ſo, as to give the one Half to the Heir Male, and the other to the Gentleman that had married the Earl's Daughter (*i*). Upon the Death of the young Queen *Margaret*, being, as we have hitherto obſerved, one of the Lords of the Regency, he was

(*a*) Rymer's Fœdera Angliæ, Tom. 1. p. 374, &c. (*b*) Chartulary of Newbottle. (*c*) Chartulary of Melroſs in the Hands of the Earl of Haddington. (*d*) Chartulary of Kelſo, ad annum 1266. (*e*) Rymer's Fœdera Angliæ, ad annum 1283, Tom. 2. p. 266. (*f*) Ibidem, Tom. 2. p. 471. (*g*) Ibidem. (*h*) Ibidem, Tom. 2. p. 553 and 567. (*i*) Boethius Folio 290.

was ſent to *England* to engage King *Edward* to come and judge of the Controverſie between the ſeveral Competitors for the Crown (*a*). It was Biſhop *Fraſer* who gave Judgment againſt the Earl of *Fife*, in the famous Suit betwixt him and the Lord *Abernethy*, and thereupon diſſeiſed the Earl of the Lands of *Kerys* and *Croy*; and this was while he was Guardian: But by Command of the King of *England*, during the Interreign, he and the Reſt of his Colleagues were obliged to reſtore the Lands again to the Earl; and yet when *John Baliol* got Poſſeſſion of the Crown, he adherred to the Biſhop's Judgment, upon which the Earl made his famous Appeal to King *Edward* (*b*). Biſhop *Fraſer* was alſo one of the Ambaſſadors who concluded the Treaty betwixt *John Baliol*, and the King of *France* (*c*). Alſo in the 1291, when the Kingdom was ſurrendred to the King of *England*, he made this Prelate one of the Guardians of it; and his Writ of Saſine, which he gave to *John Baliol* for the Kingdom of *Scotland*, was directed to him and the other Guardians of the Kingdom to deliver him Saſine thereof, with its Pertinents, dated 19th of *November* 1292 (*d*). Biſhop *Fraſer* did all he could for preſerving the Liberties of his Country, and ſo early as within a Month after *John Baliol* had got Poſſeſſion of the Crown, he joined with other great Men in a Complaint againſt the King of *England*'s calling Cauſes out of *Scotland*, contrary to his Engagements and Promiſes to them. It was by his Command that Sir *William Wallace* put all the *Engliſh* out of their Church Benefices in *Scotland* (*e*); and Mr. *Winton* tells us, that it was this Prelate who firſt obtained from King *Alexander* III. in the 1283, a Right to the Biſhops of St. *Andrews* of coining Money (*f*): He granted to the Monks of *Cambuskenneth* the Church of *Kirktoun* near *Stirling*, with the greater and leſſer Teinds, &c. His Charter of Mortification is conceived in very pious and devout Terms (*g*), and is ratified by his Succeſſor in the See Biſhop *Lambertoun*. To conclude, *Fordon* a very good Author (*h*) tells us, That Biſhop *Fraſer* ſtood elect Ten Months Six Days, and was Biſhop Seventeen Years three Months and eight Days.

ANOTHER Branch of the Family of the *Fraſers* at this Time, if not a Brother, was *Gilbert Fraſer*, who is *Vicecomes de Traquair*, in the End of the Reign of *Alexander* III. who left a Son Sir *Andrew Fraſer*, who is a Donator to the Abbacy of *Kelſo* out of the Barony of *Gordon*, about the 1306 (*i*); but I could trace his Poſterity no further.

SIR *Simon Fraſer*, called in many Records *Pater* (*k*), to diſtinguiſh him from Sir *Simon* his Son, left two Sons behind him; Sir *Simon* ſtiled in ſeveral Writes *Filius*, and Sir *Alexander* the Lord Chamberlain (*l*). Sir *Simon* the younger is one of thoſe Patriots, whoſe Memory is moſt highly extolled by all our Hiſtorians. He ratifies and confirms his Father Sir *Simon*'s Donation to the Monks of *Melroſs*, adding further to them a free Iſh and Entry for their Cattle, thro' certain Lands he had *de domino Laurentio Fraſer quondam domino de Drumelliare*, to which *domino Andrea Fraſer milite* among others is a Witneſs (*m*): He grants likewiſe to the ſame Monaſtry a Road for their Carriages thro' his Lands of *Hoprew*, in which his Couſin Sir *Andrew Fraſer* before mentioned is a Witneſs. We find he was joined with *John Cumine* in the Government of *Scotland*, *anno* 1303 (*n*). *Fordon* calls him *Simon Fraſer Bellicoſus, omni bonitate preditus*, and tells us, that, in Conjunction with the other Guardians his Colleagues, he had many Ways harraſſed

(*a*) Fordon, p. 954. (*b*) Brady's Hiſtory, Vol. 3. p. 31. (*c*) Ibidem and Rymer's Fœdera. (*d*) Ibidem, Vol. 3. p. 22 and 29. (*e*) Holingſhed p. 303. (*f*) Winton's Chronicle, p. 528 and 529. (*g*) Chartulary of Cambuskenneth in the Lawiers Library. (*h*) Vol. 3. p. 601. (*i*) Chartulary of Kelſo. (*k*) Rymer's Fœdera. (*l*) Arch Deacon Barber's Life of King Robert I. (*m*) Chartulary of Melroſs in the Hands of the Earl of Haddingtoun. (*n*) Rymer's Fœdera,

the *Engliſh* with mutual Slaughters for four Years and upwards (*a*); and Mr. *Winton* ſays much the ſame of him (*b*), and calls him *ſtout and manly, bald and wight*. That learned Author gives a full Account of the Battle of *Roſlin*, and of the Harangues made to the *Scots* Army by the two Generals, *Simon Fraſer* and *John Cumine*, with many Circumſtances that are much to their Honour; for according to *Buchanan* and *Leſly*, and other *Scots* Hiſtorians, with an Army but of Eight Thouſand Men, they obtained three entire Victories in one Day over three deſperate Bodies of the *Engliſh*, conſiſting of ten Thouſand each, in the end of *February* 1301, which the *Scots* Ambaſſadors at *Paris* gave a remarkable Account of, and of the Fame of the Generals, in a Letter at the Time, which the Curious may ſee at large in Mr. *Rymer*'s excellent Collections. As Guardian of the Forreſt of *Selkirk*, he had the Truce with *England*, which was then granted to the *Scots* at the Deſire of the *French* King, notified to him (*c*); and again he had Summons to attend the King of *England* at *Cardoil*, with Horſe and Arms, being to march againſt the *Scots*. But 'tis certain he ſat the Summons, for which he was particularly excepted out of King *Edward*'s Indemnity, *anno* 1304 (*d*), and next Year was fined in two Years Rent of his Eſtate (*e*). In the 1306, he was one of thoſe Patriots who joined King *Robert Bruce*, and was taken Priſoner by *David de Brechin*, and delivered to Monſieur *John de Segreve*, and Monſieur *Aymer de Valence*, to whom his Lands were given (*f*). Being brought up Priſoner to *London*, he was there by King *Edward*'s Order cruelly put to Death. He left two Daughters who got moſt of his *South* Country Eſtate; the one was married to Sir *Patrick Fleming* Knt. Anceſtor to the preſent Earl of *Wigton*, and the other to Sir *Gilbert Hay* of *Locherwart*, the paternal Anceſtor of the Marquis of *Tweedale*, which gave Occaſion to both theſe noble Families to quarter the Coat of Arms of the *Fraſers* with their own paternal Bearings. But to return to Sir *Alexander Fraſer* the Lord Chamberlain, of whom we are more particularly to treat of, we may obſerve he was born in the Reign of King *Alexander* III. and educate as became his Rank, according to the Way of that Time. He was undoubtedly the Head of the Family, by the Time he began to make a Figure, ſince we ſee him by far the moſt remarkable, and the greateſt Man of his Sirname at that Time; for, beſides that he was, as Mr. *Barber* remarks (*g*), nearly related in Blood to King *Robert* I. we are ſure he married the King's Siſter, not when he was a Subject, but after the Battle of *Bannockburn*, when he was in the full and peaceable Poſſeſſion of the Crown.

Sir *Alexander* appeared early in the Service of his Country; for no ſooner had King *Robert* taken the Royal Authority upon him in 1306, and formed the Heroick Project of redeeming his Country from the Slavery it was under, than he reſorted to him, owned his Title, and inviolably adhered to his lawful Sovereign, in all the Viciſſitudes of Fortune that befel him, inſomuch that he, Sir *James Douglas*, Sir *Niel Campbel*, Sir *Gilbert Hay*, Sir *Criſtopher Seaton*, and Sir *Robert Fleming*, were called *King Robert's Worthies*.

He was with King *Robert* upon his firſt Enterpriſe after his Coronation, when he came before St. *Johnſton*, and accompanied him to the Battle of *Methven*, where he had the Misfortune, among other Perſons of Quality, to be taken Priſoner (*h*), and continued in the Enemy's Hands, till Sir *James Douglas* having, by his heroick Valour, defeat two ſeveral Bodies of the *Engliſh*, and driven them out of the South, he retook Sir *Thomas Randolph*

(*a*) Boethius, Major, Buchanan, &c. (*b*) Winton's Chronicle, Cap. 151, M. S. (*c*) Rymer's Fœdera Angliæ. (*d*) Ididem, ad annum 1304. (*e*) Rymer's Fœdera. (*f*) Ibidem. (*g*) Arch Deacon Barber's Life of King Robert the Bruce, Pag. 27 and 32. where the learned and exact Author ſays, The King and Sir Alexander Fraſer were Couſins in a near Degree. (*h*) Ibidem, Mr. Barber.

dolph the King's Nephew, Sir *Alexander* *Fraſer* and Sir *Alexander* *Stewart*, who was afterward Earl of *Angus* (*a*).

SIR *Alexander* *Fraſer* being now at Liberty, neither his late Impriſonment, nor the terrifying Oppoſition he might have had in View, did in the leaſt diſcourage him in purſuing, by all lawful Means, what he had ſo much at Heart, the recovering the Honour and Independency of his Country; for he immediately repaired to King *Robert*, and incouraged him all he could to go on in the noble Deſign of recovering of his Crown, and the Liberties of *Scotland*, which at length, by the Bleſſing of Heaven, he became ſucceſsful in. For after the Fight at *Loudon-hill*, when the King began to think of making ſome new Attempt, he reſolved to go to the North, and truſted chiefly to the Friendſhip and Aſſiſtance of Sir *Alexander* *Fraſer*, who, as hath been ſaid from an Author of great Credit, was his Kinſman (*b*). And no ſooner did the King come into thoſe Parts, but Sir *Alexander* joined him, with his Brother *Simon* and all his Friends. And 'tis remarkable, that he is the only Perſon of Quality whom the exact and judicious Mr. *Barber* mentions, who came to King *Robert*'s Aſſiſtance before he defeat the Earl of *Buchan* and his Adherents at *Old Meldrum* (*c*), or what is commonly called the Battle of *Innerury*: So that Sir *Alexander* had the Honour to be the principal Inſtrument of giving the firſt happy Turn to the Affairs of this heroick Prince, which was a noble Beginning to thoſe repeated Triumphs that afterward adorned the reſt of his Life. And ſince Mr. *Barber* is the Author of any other who wrote the Tranſactions of theſe Times with the greateſt Exactneſs, it will not, I hope, be thought amiſs to inſert his own Words, which here follow.

Tan waux his Power mair and mair,
And he tho't weill that he wou'd fair,
Oute our the Month with his Menze,
To luk qwha that his Frind wald be;
In to Sir Alexander Fraſer
He traiſtyt, for thai Coſyngs wer,
And his Brodyr Simon *thai twa;*
He had Myſtre weile of ma:

And again,

And turn we till the noble King,
That with the Folk of his leding,
Towart the Month hes tane his Way
Right ſtoutly, and till gud Array,
Quhar Alyſander Fraſer *him met,*
And als his Brodyr Simon *et,*
With all the Folk they with them had,
The King gud Countenance them maid,
That was right blyth of their Cumyn, &c.

HE conſtantly attended the King his Maſter while he continued in thoſe Parts, and eminently ſignalized himſelf in defeating the joint Forces of the *Cumines* and other Rebels, by which Means all the *North* was reduced to the King's Obedience; as Mr. *Barber* ſays.

The North *Country all haillilie*
Obeyed to his Seniorie;
So that by North *the Month was nane,*
But they his Men were common ilk ane.

AFTER this Sir *Alexander* marched Southward with the King, and was with him at the Siege of the Caſtles of *Brechen* and *Forfar* (*d*). But his Highneſs being it ſeems unwilling to loſe Men and Time in more Sieges, and

(*a*) Arch Deacon Barber ſo often mentioned. (*b*) Ibidem. (*c*) Ibidem, from a noble Manuſcript Copy in the Lawiers Library, written in the 1489, p. 159. (*d*) Barber.

deſirous to make himſelf Maſter of the Lands poſſeſſed by the *Cumines*, and their Allies, his inveterate Enemies, he marched ſtraight to the Shire of *Argyle*, where the Lord *Lorn* endeavoured to ſtop his Progreſs, by poſting Two Thouſand Men upon a high Mountain over which it was neceſſary the Army ſhould paſs; but the King, having got Notice of his Deſign, ſent a Detachment under the Command of Sir *James Douglas*, Sir *Alexander Fraſer*, and Sir *Andrew Gray* (*a*), with Orders to fetch a Circuit about, and by this Means to get up the Hill by Ways the Enemy had not taken Care to guard. The Stratagem ſucceeded, and the *Highlanders* found themſelves charged by the main Body of the King's Army, and the Detachment juſt now mentioned. The Maſter of *Lorn*, *John de Ergadia*, having ſeen his Men cut in Pieces, fled and eſcaped by Sea into *England*; but his Father was forced to give up both his own Perſon, and his ſtrong Caſtle of *Dunſtaffnage* to the King's Mercy (*b*).

Sir *Alexander Fraſer* after this ſerved King *Robert* with great Valour and Fidelity in all the leſſer Victories he obtained, and had the Honour to ſignalize his Courage and Conduct at the Glorious Battle of *Bannockburn*, by which the Kingdom was not only recovered, but the Monarchy reſtored to its ancient Splendor and independent State. Now it was that King *Robert* began to reward the Loyalty and Merit of ſuch of his Subjects as had deſerved beſt at his Hands: And few having a greater Stock of Merit then Sir *Alexander Fraſer*, he was graciouſly pleaſed to beſtow upon him many Charters of Lands (*c*) in different Counties, but moſtly lying in the Shires of *Aberdeen* and *Kincardine*, ſome of them no Doubt upon his own Reſignation, ſince we ſee that long before this he had a great Intereſt in thoſe Parts, and from the ſeaſonable Aſſiſtance he afforded the King when he retired Northward after the Battle of *Methvin* (*d*), as hath been ſaid. There are marked in the Inventaries of this Prince twelve ſeveral Charters, whereby he gives, *Dilecto & fideli ſuo Alexandro* Fraſer *Militi*, the Lands of the Thanedom of *Cowie* and *Craiginning*, *Glaſculloch*, the Barony of *Kinairdie*, the Lands of *Panbride*, *Garnocis*, *Strathean*, *Eſſenly*, *Balbrothy*, *Achincroſk*, *Culpreſach*, *Broxmouth*, *Cardny*, with the Fiſhing of the Loch of *Skeen*, *Achincairny*, *Cragy*, *Pendriech*, &c. But the Royal Bounty to Sir *Alexander* did not ſtop here, for about this Time, King *Robert*, as a further diſtinguiſhing Mark of his peculiar Favour, beſtowed upon him the Lady *Mary Bruce* his own Siſter in Marriage (*e*). There is a Charter ſtill extant, whereby the King gives, *Dilecto & fideli ſuo Alexandro* Fraſer *Militi, ſex acras terræ arrabilis, jacentes in tenemento de Achincairny, juxta manerium noſtram de Kincairdin, tenend. & habend. eidem Alexandro & heredibus ſuis inter ipſum & quondam Mariam* Bruis *ſponſam ſuam ſororem noſtram dilectam legitime procreatis, in unam liberam hoſtilagium, cum communi paſtura thanagi noſtri de Kincardin, cum libertate fodendi petas & turvas infra thanagium noſtrum predictum, &c. Apud Kynroſs vigeſſimo ſecundo die menſis*

(*a*) Barber ut ſupra. (*b*) Barber. (*c*) Charta in Rotulis Roberti I. Dilecto & fideli ſuo Alexandro Fraſer Militi, of the Lands of Tuchfraſer in Liberam Baroniam, &c. (*d*) Charta in pub. Archiv. (*e*) Ibidem. This Lady had been formerly the Wife of Sir Niel Campbel of Lochow; and falling into the Hands of the Engliſh after the Battle of Methvin, was kept long a Priſoner, and was very ill uſed: For ſome Hiſtorians of very good Credit tell us, that ſhe was put in a Wooden Cage ſhap'd like a Crown, and in that Poſture was hung over the Walls of Roxburgh. She was afterward exchanged for Sir Walter Cumine in 1310.

ſis Septembris, anno Regni noſtri decimo octavo (*a*).

Sir *Alexander* being now poſſeſſed we ſee of a vaſt Eſtate, the King, to add the greater Luſtre to this Favourite Brother-in-law, thought fit to bring him into the Miniſtry, and thereupon he was conſtituted Great Chamberlain of *Scotland*, in Place of Dr. *Robert Peeblis*, *anno* 1325; for then, and no ſooner, I have found him deſigned *Camerarius Scotiæ* in a Charter by this Prince, whereby he mortifies to the Abbacy of *Cambuskenneth* the Patronage of the Church of *Kilmaronock*, the 16. of *Jan.* the 20th of his Reign. The Witneſſes to the Deed are *Duncano Comite de Fife, Waltero Seneſcallo Scotiæ, Jacobo Domino de Douglaſs, Alexandro Fraſer Camerario noſtro Scotiæ militibus* (*b*). The ſame Year, as Lord Chamberlain, he iſſues out a Writ to the Aldermen and Baillies of *Roxburgh*, commanding them to pay to the Monks of *Drybrugh* Twenty *Shillings Ster.* yearly out of the Crown Rents, due to them by a Charter of King *William*, having received the King's Warrant for it, directed *Alexandro Fraſer Camerario ſuo Scotiæ*, and dated *primo die Novembris, anno Regni noſtri*, ſays King *Robert*, *vigeſſimo* (*c*). There is alſo a Precept directed to him, diſcharging to the Abbot and Convent of *Melroſs*, a Feu-duty, it ſeems had been payable formerly to the Crown out of a Tenement of theirs in the Burgh of *Kinroſs*, in this Stile and Form.

ROBERTUS Dei Gratia Rex Scotorum, Alexandro Fraſer Camerario ſuo Scotiæ, & Vicecomitibus & Balivis de Kynroſs, ſalutem. Cum nuper conceſſerimus unam hoſtilagium in villa de Kynroſs, religioſis viris Abbati & Conventui de Melros, libere abſque aliquali firma nobis ſolvendis, & intelleximus quod vos dictum hoſtilagium compellitis ad redendum quadam annuam firmam quadriginta denariorum: Vobis mandamus & precipimus, quatenus de hujusmodi annua firma levand. ceſſetis ipſis religioſis viris, aut homines dictum hoſtilagium inhabitantes, ratione previa nullatenus aggravantes. Datum apud Cambuskenneth primo die Aprilis, anno Regni noſtri viceſſimo (*d*).

We muſt not forget that Sir *Alexander Fraſer* the Lord Chamberlain, was one of the great Barons who went into the Settling of the Succeſſion by Act of Parliament, upon the Lord *Robert Stewart*, the King's Grandchild, by his Deceaſt Daughter the Princeſs *Marjory*, in Failure of Iſſue Male of his own Body; whereby its alſo provided, that if either this young Prince, or any other Heir of the Body of the King, ſhall be Minor at his Death, *Thomas Randolph*, Earl of *Murray*, and failing him by Deceaſe, *James* Lord *Douglaſs*, were appointed Regents, until by the Eſtates the Heir was thought fit for Government. This famous Act, to which the Seals of the Nobility were all appended, bears Date, *Die Dominica proxima poſt feſtum ſancti Andreæ Apoſtoli, anno ab incarnatione Domini milleſſimo tricenteſſimo decimo octavo* (*e*). The Lord Chamberlain in the 1320 was one of the great Men, *Magnates de terra Scotiæ*, who ſwore to the keeping of the Truce betwixt King *Robert* and King *Edward* II. of *England*, that

(*a*) Charter copied out of the Regiſters of the Great Seal by the Earl of Haddington, while he was Lord Regiſter in the Reign of King James VI. and inſert in his Lordſhip's valuable Collection of Charters now preſerved in the Lawiers Library at Edinburgh. (*b*) Chartulary of the Abbacy of Cambuskenneth in the Lawiers Library. There are many other Charters I have ſeen granted by King Robert I. in which Sir Alexander Fraſer is ſtiled Chamberlain of Scotland, particularly in a Grant by that Monarch, Chriſtino de Forbes Militi, tertiam partem davatæ de Ardach, & tertiam partem davatæ de Skeeth, in baronia de Deskford, &c. Teſtibus Bernardo Abbate de Arbroath Cancellario noſtro, Thoma Ranulphi Comite Moraviæ, Domino valis Annandiæ & Mannia nepoti noſtro, Hugoni Comite de Roſs, Waltero Seneſcallo Scotiæ, Jacobo Domino de Douglaſs, Alexandro Fraſer Camerario noſtro Scotiæ, 27. March, anno Regni noſtri, ſays the King, 20. (*c*) Excerpts from the Writs of Dryburgh in the Lawiers Library, M. S. (*d*) Chartulary of the Abbacy of Melroſs in the Hands of the Earl of Haddingtoun, from whence I copied out this Precept. (*e*) The Copy of this Act of the Eſtates is to be ſeen by the Curious in the Continuation of Fordon's Hiſtory in the Library of the College of Edinburgh.

was then entered into for Thirteen Years, betwixt the two Kingdoms (*a*); and was one of the Nobles who wrote and ſealed that bold and loyal Letter to Pope *John* the Twenty ſecond, wherein they ſo highly extol the Immortal King *Robert*, as their great and glorious Deliverer. This famous Letter, tho' it has been before publiſhed; yet I obſerve in moſt of the Copies, ſome Words wanting, and others miſtaken; and therefore, for the Satisfaction of the Curious, I have placed an exact Copy of it from the Original in the Appendix.

Sir *Alexander* continued in this great Office the Remainder of this Reign, till the Death of King *Robert*, that he quite the Chamberlain's Place, which was thereupon conferred on Sir *Reginald More* in 1329. As the Lord Chamberlain had been eminent in his Fidelity to King *Robert*, ſo he was no leſs firm in his Loyalty to King *David* his Son; for upon the Invaſion by *Edward Baliol*, Son of *John Baliol*, ſometime King of this Realm, he repaired with his Friends and Followers to the Royal Standart, which was ſet up at *Duplin* near *Perth*, where our Hiſtorians tells us (*b*), he performed the Part of a wiſe and vigilant Commander, when few others did their Duty that Way in any tolerable Degree: For they aſſure us, That Sir *Alexander Fraſer* was alone watching and on his Guard, when moſt of the other Officers were aſleep, when the Pretender made his firſt Attack upon the Camp. And tho' this gallant Gentleman did Wonders at the Head of his Followers, and ſuch others as he could draw together, yet alas all was to no Purpoſe; for being but ill ſeconded, and overpowered with Numbers, he was there Slain fighting bravely in the Service of his lawful Sovereign, and for the Honour of his Country, on the third Day of *Auguſt* 1332 (*c*).

The Lord Chamberlain left Iſſue by the Lady *Mary Bruce* his Wife, Daughter of *Robert* Earl of *Carrick*, and Siſter to King *Robert* I. *John* his eldeſt Son, who left no other Iſſue ſave a Daughter *Margaret*, who was married to Sir *William Keith* Mariſhal of *Scotland*, whoſe Heir Female was again married to *Alexander* firſt Earl of *Huntly*; and upon that Account the Duke of *Gordon* carries the Coat of *Fraſer* in the Third Quarter of his Grace's Atchievement. Sir *William Fraſer* the ſecond Son, who carried down the Line of the noble Family of *Salton*, in ſixteen Succeſſive Deſcents, till the preſent Time; *James*, *Simon*, and *Andrew*, who all three loſt their Lives in the Service of their Country, at the Battle of *Halydoonhill*, *anno* 1333 (*d*). I hope the Reader will not take it amiſs, that I be a little more particular in deducing the Lineal Succeſſion of Sir *William Fraſer*, the Lord Chamberlain's ſecond Son and Heir; eſpecially ſince its but a Piece of Juſtice in me to a very noble Family, I mean the Family of *Salton*; for whom, when I did the Peerage, I was able to give but a very lame and defective Account. But now having ſeen and peruſed a great many Original Charters and other Authentick Documents, clearly aſcertaining their Deſcent from Sir *Alexander Fraſer*, who was the Head of the Family in the Reign of King *Robert* I. as hath been ſaid; I ſay, I hope the Reader will bear with me a little in ſetting down the following Genealogical Deſcent, which ſerves in ſo far as a Supplement to another Performance of my own. A Method I have hitherto conſtantly purſued, and reſolves to continue throughout the whole of this Work.

To begin then with Sir *William Fraſer*, we are to obſerve, that he ſucceeded to the Lord Chamberlain his Father in the Thanedom of *Cowie*, and Lands of *Eſſentilly*, of which he had

(*a*) Rymer's Fœdera Angliæ, Tom. 3. Pag. 1025. (*b*) Boethius, Buchanan and others. (*c*) Buchanan, Boethius, and moſt of our other Hiſtorians. (*d*) Boethius, &c.

had a Charter from King *David* II. narrating, that the ſame Lands had formerly belonged to Sir *Alexander Fraſer* his Father (*a*). He had alſo a Charter from the ſame Prince of the Lands of *Dores* (*b*), which we ſee were given anew with more Privileges to his Son. This Sir *William Fraſer* was, like his Father, a brave gallant Man, and performed many eminent and remarkable Services for the Honour of his Country, in the Reign of King *David*. Our Hiſtorians (*c*) tell us, he aſſiſted the *Douglaſs* in ſurpriſing the Caſtle of *Edinburgh*; and *Froiſart* a Cotemporary Author ſays, that he, together with the Earls of *Murray*, *March* and *Sutherland*, Sir *William Douglaſs*, the ſame brave Man that was after Earl of *Douglaſs*, *Robert Hereſy*, and *Alexander Ramſay* were Maſters of the South Part of *Scotland*, and kept the Foreſt of *Jedburgh* for a Retreat upwards of ſeven Years (*d*). The ſame Author mentions him as having a principal Hand in taking *Edinburgh* Caſtle, as hath been ſaid, and adds, he had been *Gardien du Roy David d' Ecoſſe* (*e*), and was amongſt the Number of thoſe brave *Scotsmen* who ſuffered the greateſt Hardſhips in defending their Country for many Years, without any Aſſiſtance from their King. At length having agreed to a Truce with the Enemy for four Months, toward the End of the 1341, upon Condition, that if King *David* did not return to them by the Month of *May* thereafter, they ſhould ſubmit to the King of *England*; whereupon they ſent this Gentleman Sir *William Fraſer* with three other Knights to acquaint their King with what they had done, who thereupon returned from *France* to *Scotland* (*f*). *Froiſart* indeed being a Foreigner, thro' Miſtake calls him *Simon*; but by his mentioning him to have been concerned in the Surpriſe of the Caſtle of *Edinburgh*, as hath been ſaid, where he names him right, and from the concurring Teſtimonies of *Fordon* and *Winton* our exacteſt Authors, we know his Name was *William*; and *Simon* his Brother, as we have obſerved was killed at the Battle of *Hallydonhill* ſeveral Years before. Sir *William* continued in great Favour with his Couſin King *David*, and accompanied him to the unhappy Battle of *Durham*, where, we are told by the Hiſtorians, he fought in that Wing of the Army which was commanded by the Earl of *Murray*. Some of them ſay he was there ſlain (*g*); but I am apt to believe he was rather taken Priſoner, ſince we find from Mr. *Rymer*'s *Fœdera*, that he afterward got Letters of ſafe Conduct from the King of *England* for going beyond Sea thro' his Dominions, *cum ſex Sociis equitibus* in his Retinue (*h*), where it is probable he died. He married firſt a Lady of the illuſtrious Houſe of the *Douglaſſes* (*i*), and left two Sons, Sir *Alexander* his Succeſſor in the Barony of *Cowie*, and *John Fraſer*, who had a Grant from King *Robert* II. of the Lands of Weſter-*Eſſentilly*, wherein he is deſigned *filio quondam Domini Willielmi Fraſer militis*. The Charter, which is ſtill extant in the Rolls, bears Date, *June* 8, 1374. He married to his ſecond Wife *Margaret Murray* (*k*), but of what particular Family the Lady was a Daughter, the Record which is my Voucher does not mention, and I ſhall not preſume to gueſs.

To Sir *William Fraſer* ſucceeded Sir *Alexander* his Son, whom we find, as it would appear, while but a Youth, was ſent to *England* to be educated at the Univerſity of *Oxford*,

(*a*) Inventary of the Charters of King David II. marked R. Numb. 14. (*b*) Ibidem in Rotulis, R. David. (*c*) Boethius, who by the Way, thro' Miſtake, calls him Walter, but Winton and Fordon, who are more to be depended on, name him rightly William. (*d*) Froiſart. (*e*) Ibidem, Page 71. (*f*) Ibidem. (*g*) Boethius. (*h*) Rymer's Fœdera Angliæ, Vol. 6. Pag. 463. (*i*) Inventary of the Writs of the Family of Salton, which I have ſeen and peruſed, wherein is mentioned a Charter of a fourſcore Merk-land in the Barony of Aberdeen, given in Marriage with this Lady; which continued long in the Family. (*k*) Inventary of the Regiſt. of Charters under the Great Seal of King David II.

and had a ſafe Conduct from the King of *England* for that Purpoſe for himſelf and eight Perſons in Company with him, *anno* 1366 (*a*). After his Return he ſucceeded his Father in the Thanedom of *Cowie*, Lands of *Eſſentilly*, which had been formerly given to his Grandfather the Lord Chamberlain in 1316. In the 40th of King *David* II. he had a Grant from that Prince, who calls him *Dilectus conſanguineus ſuus* of the Lands of *Dores*, then united and erected into one free and entire Barony, by a Charter which I have ſeen ſomewhat fuller then that which is entered in the Rolls (*b*). My Copy here follows.

DAVID Dei Gratia Rex Scotorum, omnibus probis hominibus totius terræ ſuæ, ſalutem. Sciatis nos dediſſe, conceſſiſſe, & hac preſenti charta noſtra confirmaſſe, dilecto conſanguineo noſtro Alexandro Fraſer, *omnes & ſingulas terras noſtras Thanagii de Duirys cum pertinen. jacen. infra Vicecomitat. de Kincardyn; tenen. & habend. eidem Alexandro & heredibus ſuis, de nobis & heredibus noſtris, in feodo & hereditate, in unum integrum liberum baroniam per omnes rectas, metas, & diviſſas ſuas, in boſcis & planis, in pratis & paſturis, in moris, mareſiis, viis, ſemitis, aquis, ſtagnis, molendinis, multuris, & earum ſequelis, aucupationibus, venationibus & piſcariis, cum furca & foſſa, ſacca & ſacco, cum thol & them, & infangandetheif, & cum omnibus & ſingulis libertatibus, commoditatibus, aiſiamentis & juſtis pertinen. quibuscunq; ad dictas terras ſpectantibus ſeu ſpectare valentibus, libere, quiete, plenarie, honorifice, & in pace, faciendo inde annuatim tres ſectas ad tria placita noſtra capitalia Vicecomit. de Kyncardin, ac ſervitium unius archietennentis ad excercitum noſtrum, pro omni alio ſervitio quæ de dictis terris aliquo tempore exigi poterint ſeu requiri. In cujus rei teſtimonium, preſenti charta ſigillum noſtrum precipimus apponi. Apud Edinburgh quarto die menſis Septembris, anno Regni noſtri quadrageſimo. Teſt. Patricio Epiſcopo Brichenen. Cancellario noſtro, Roberto Seneſcallo Scotiæ Comite de Strathern nepoti noſtro,* &c.

By another Charter from the ſame King, we find Sir *Alexander* had a Grant of the Sheriffſhip of *Aberdeen* Shire (*c*); and in the Beginning of the Reign of King *Robert* II. he obtained a new Charter of the Lands of *Eſſentilly*, a Part of his paternal Eſtate, to be holden *Blanch* (*d*). He married *Janet*, ſecond Daughter of *William* Earl of *Roſs*, and Co-heireſs of that Earldom (*e*), to whom the whole Eſtate of *Roſs* was taillied, failing of *Eupham* the Earl's eldeſt Daughter, in the 40th of King *David* (*f*).

He had after that a Diſpoſition from *Walterus Leſly miles*, ſtiled *dominus de Roſs, & Euphemia Roſs ſponſa ſua, unanimi conſenſu & aſſenſu dilectis confratri & ſorore noſtra*, ſay they, *Alexand. Fraſer & Jonete Roſs ſponſæ ſuæ, & eorum alteri diutius viventi, totas & integras terras noſtras de Achinchagyle, ac terras de Meikle-fyntra, cum pertinen. jacent. in comitatu Buchaniæ, infra vicecomit. de Aberdeen, nec non terras noſtras de Orkleton, cum pertinen. jacen. in dominio Galwidiæ, infra vicecomit. de Wigton, & annuum redditum octodecem librarum ſterlingorum annuatim levand. & percipiend. ad duos anni terminos uſuales, Pentecoſtes, viz. & ſancti Martyni in hyeme, per equales portiones, de totis & integris terris de Fairndonald in Roſs, cum pertinen. jacen. infra vicecomit. de Inerneſs, in meram, liberam & legitimam excambium, ac in recompenſationem, contentationem & ſatisfactionem plenariam dictorum Alexandri militis & Jonete, ac heredum ſuorum, pro univerſis & ſingulis ſuis partibus hereditariis terrarum*

(*a*) Rymer's Fœdera Angliæ. (*b*) Charta penes Dom. Pet. Fraſer de Dores Baronet. (*c*) Charta in Rotul. David II. C. N°. 49. (*d*) In Rotul. Robert II. marked B. (*e*) Winton's Chronicle, and many Charters in the publick Records. (*f*) Charta penes Comitem de Rotheſs.

rarum de Roſs, cum pertinen. jacen. infra vicecomit. de Inerneſs, per dictos. Alexandrum & Jonetam ſponſam ſuam, unanimi conſenſu & aſſenſu, pro ſe & heredibus ſuis, ſcil. in excambium & contentationem noſtrorum Walteri & Euphemiæ, & heredum noſtrorum, pro dictis terris & annuo redditu noſtris datis hereditarie & conceſſis: Tenend. & habend. totas & integras terras predictas de Auchinchagyle, Meikle-fyntra, Orkleton, & annuum redditum octodecem librarum terrarum de Fairn-donald, cum pertinen. dictis Alexandro & Jonete ſponſæ ſuæ, & eorum alteri diutius viventi, & heredibus inter ipſos legitime procreatis ſeu procrandis, quibus deficientibus heredibus legitimis dicte Jonete quibuſcunque, a nobis & heredibus noſtris, de ſupremo domino noſtro rege & ſucceſſoribus ſuis, in meram, & legitimam excambium, & contentationem antedictam, in feodo & hereditate in perpetuum. To this ſolemn Agreement, which bears Date at *Aberdeen* the 4th of *June* 1375, Sir *Walter Leſly* appends his Seal before the Earls of *Douglaſs* and *March*, Sir *Archibald Douglaſs*, Sir *Robert Erskine*, and Sir *William Diſhington* Knights (*a*). By another Writ, the Counteſs of *Roſs*, and Sir *Walter Leſly* her Husband, diſpone to Sir *Alexander Fraſer*, and her Siſter *Jean* his Wife, other Parts of the Earldom of *Roſs*, to be holden of the Counteſs and her Succeſſors Earls of *Roſs*. And the Earldom coming afterward in the Perſon of *John* Earl of *Buchan*, the Duke of *Albany*'s ſecond Son, the King, *James* IV. who was adjudged Heir to that Earl by Decreet of Council (*b*), did afterward grant Charters of theſe Lands to the Family of *Philorth* (*c*) holding of the Crown; and the whole of theſe Lands together went under the Name of the Lands and Barony of *Philorth* (*d*).

After this he ſometimes deſigns himſelf by his Eſtate of *Cowie* and *Dores*, and ſometimes *Dominus de Philorth*, and *Vicecomes de Aberdeen*. Under both theſe Titles, I find he is one of the Arbiters betwixt Biſhop *Tynningham* of *Aberdeen*, and *John Forbes* of *That-ilk*, anent the bounding of their Lands; and both Parties oblige themſelves to ſtand by that Settlement, *per fidei ſuæ datione-em in manibus dicti Domini Vicecomitis*. The Inſtrument taken thereupon bears Date the 20th of *Auguſt* 1387 (*e*). The next enſuing Year 1388, Sir *Alexander Fraſer* was one of thoſe who were moſt remarkable for their gallant Behaviour at the famous Battle of *Otterburn* or *Cheviot-chaſe*, betwixt the Earl of *Douglaſs* and the Lord *Percy*, and is mentioned, by a celebrated Author who lived at the Time, as one of thoſe *Dont il n'y avoit nal, qui n' entendiſt bien & vaillement a faire a beſongne* (*f*).

After the Death of his firſt Wife he married *Elizabeth Hamilton*, a Daughter of the illuſtrious Houſe of *Hamilton* (*g*), but had no Iſſue by that Lady. In the Year 1400 Sir *Alexander*, then deſigned *Dominus baroniarum de Cowie & de Dores*, gives, *Alexandro Fraſer filio ſuo dilecto*, a Charter of the Lands of *Kinclouys*, *Balchary* and *Balſuchachy*, in the Barony of *Dores*, to be held of him, and the Heirs of his ſecond Marriage; but in the Event of ſuch Heirs failling, he diſpones him the

(*a*) Charta in pub. Archiv. ad annum 1375, ac etiam penes Dominum Salton. (*b*) Charta in pub. Arch. (*c*) Charta penes Dom. Salton. (*d*) The Barony of Philorth, which was the Deſignation of Sir Alexander Fraſer, and his Succeſſors, was anciently a Part of the old Earldom of Buchan, and fell to the Share that John Roſs, Son to the Earl of Roſs, got in Portion with Margaret Cumine Daughter to the Earl of Buchan, together with the Half of the Earl of Buchan's whole Eſtate in Scotland; as may be ſeen from the Inventary of the Rolls of King Robert I. marked A 44. Alſo ſee Winton's Chronicle. This John Roſs diſponed theſe Lands to Hugh Earl of Roſs his Brother, having no Iſſue of his own Body, by a Charter dated at Inverneſs in 1316. And after this Hugh Roſs ſecond Son to that Earl, and Walter Leſly who married the eldeſt Heir Female of that Earldom, were ſeverally deſigned by the Lands of Philorth, until they were diſponed to Sir Alexander Fraſer, whoſe Succeſſors have ſince retained that Deſignation. (*e*) Chartulary of the Epiſcopal See of Aberdeen. (*f*) Froiſart. (*g*) Hiſtorical and Genealogical Deſcent of the illuſtrious Family of Hamilton penes me.

whole Barony of *Dores* (*a*). This Gentleman was the Anceſtor of Sir *Peter Fraſer* of *Dores* Baronet.

In the 1408, Sir *Alexander* reſigns the Lands of *Littledrumquhendal* in the Hands of *James Douglaſs* Lord of *Abercorn*, for new Infeftment. The Charter is confirmed by *Archibald* Earl of *Douglaſs*, Lord of *Galloway*, the Lord *Abercorn*'s Brother, and both of them deſign him *Dominus Alexander Fraſer miles conſanguineus noſter* (*b*). He died ſoon after this, or at leaſt before the 1413, but I cannot fix the preciſe Time, and was ſucceeded by Sir *William Fraſer* his Son, who deſigns himſelf Lord of *Philorth* in the 1413, when he ſold the Barony of *Cowie* to *William Hay* Lord of *Eroll*, reſerving the Liferent of his Mother-in-law Dame *Elizabeth Hamilton*. The Writ being in the old *Scots* Language, and the firſt of that kind I have met with, it is to be ſeen at full length in the Collection of Records at the End of this Work.

In the 1408, his Father Sir *Alexander* reſigned in his Favours the Lands of *Overpittully*, *Netherpittully*, *Pitſlegach*, *Culburty*, *Le three buglenis cum molendino de Balgeny*, *Glaſchelach*, *Achmuchtlady*, *Tulynamot*, *cum molendino ejuſdem de Badithale & de Rathin*, *cum pertinen. jacentibus in Baronia de Aberdour*, *infra vicecomit. de Aberdeen*, Which *Archibald* Earl of *Douglaſs* ratifies, *chariſſimo conſanguineo ſuo Willielmo Fraſer*, *que terre fuerunt Domini Alexandri Fraſer militis patris ſui* (*c*). In the 1423, he married his Daughter *Agnes Fraſer* to Sir *William Forbes* of *Kinnaldie*, and taillied his whole Eſtate to her in failure of iſſue Male of his Body, and the Year thereafter he gave her the Lands of *Pitſligo* (*d*), *&c.* which continues ſtill to be the Eſtate of the Lord *Pitſligo*, the Lineal Heir of the Marriage, who yet carries the Arms of *Fraſer* quartered with that of *Forbes* in his Lordſhips Armorial Bearing. In the 1424, this Sir *William* took a Tranſumpt under the Great Seal of King *James* I. of a Charter of King *Robert* III. confirming the Diviſion of the Earldom of *Roſs* (*e*): The Witneſſes to the Charter are, *reverendiſſimo in Chriſto patre Gilberto Epiſcopo Aberdonen. Cancellario noſtro*, *Willielmo Cunynham de Kilmares*, *David Fleming de Biggar*, *Joanne Roſs de Haukhead militibus*, *Joanne ſeneſcallo fratre noſtro naturali clerico probationis domus noſtre*, *Joanne de Crawfurde cuſtode ſigilli noſtri ſecreti ſecretario noſtro in remotis agente. Apud Dundonald viceſſimo octavo die menſis octobris*, *anno Domini milleſſimo quadringenteſſimo quinto* (*f*). He married *Mary* or rather *Eleanor* a Daughter of *Archibald* third Earl of *Douglaſs*, and Lord of *Galloway* (*g*), and by her he left Iſſue, *Alexander* who ſucceeded him in his Eſtate, and a Daughter *Agnes* aforeſaid, who was married to Sir *William Forbes* Anceſtor to the Lord *Pitſligo*. He died before the 1441, as appears from a Precept granted by *James Douglaſs* Lord of *Balveny* (*h*); the ſame noble Lord, who was formerly deſigned of *Abercorn*, and who was afterward firſt Earl of *Evandale*, and then Earl of *Douglaſs* (*i*), for infefting his Son and Heir *Alexander* in the Lands, which he held of him within the Barony of *Aberdour*. Which *Alexander* was knighted by King *James* II. and went to the Jubile at *Rome* with the Earl

(*a*) Charta penes Dom. Petrum Fraſer de Dores Baronet. The Charter is dated at Aberdeen the 20th of September 1400, and is confirmed by King Robert III. at Renfrew, the 5th of October thereafter. Teſt. David Duce de Rotheſay primogenito noſtro, comite de Carrick & Athole, &c. and its again confirmed anew by K. James in 1431 in the Pub. Records. (*b*) Charta penes dominum Salton. (*c*) Charta penes dominum Salton. Theſe are the fourſcore Merk Land, which Sir William Fraſer his Grandfather got as a Marriage Portion with his Wife, a Lady of the Houſe of Douglaſs, as has been before mentioned. (*d*) Charta penes dominum Salton, etiam in pub. Archivis. (*e*) Ibidem. (*f*) Charta penes dominum Salton. I have ſeen the Writ among other Charters of this noble Family. (*g*) Manuſcript Hiſtory of the Family of Philorth, containing ſeveral Hiſtorical and Chronological Facts, by far much exacter then what are to be found in our printed Hiſtorians, M. S. Alſo a curious Draught of a Genealogical Deſcent of the Houſe of Douglaſs, by the learned Mr. David Simpſon late Hiſtoriagrapher for Scotland, which was deſigned for Mr. Collier's Dictionary. (*h*) Charta penes D. Salton. (*i*) Charta in pub. Archivis.

Earl of *Douglaſs*, and a great many other Perſons of Diſtinction, *anno* 1450 (*a*). Upon his Return in the 1461, he was ſerved and retoured Heir by the principal Barons of the County of *Kincardin*, to Sir *Alexander Fraſer* of *Cowie* and *Dores* his Grandfather. The Inſtrument ſtill extant in the Lord *Salton*'s Hands, which I have ſeen, is in theſe Words.

Inquiſitio facta apud Kincarden coram Patricio Berkley, vicecomite de Kincarden deputato, decimo quarto die Menſis Aprilis, anno milleſſimo quadringenteſſimo ſexageſſimo primo, per probos & fideles ſubſcriptos, viz. *Alexandrum Straton de eodem, Alexandrum Fraſer de Dores, Gilbertum Middleton de eodem, Wilielmum Grem de Morphy, Andream Straton de Cragj, Joannem Alerdes, Willielmum Gardin de Drumely, Robertum Mortimer de Balandro, Georgium Ramſay de Canterland, David Moncur de Knap, Joannem de Strathbeth, Alexandrum Bercley, Alexandrum Strathcith de Monbodow, Thomas Sibalde, Walterum Biſſate & David Crukſhank, qui jurati dicunt, quod quondam Alexander Fraſer miles, avus Alexandri Fraſer militis latoris preſentium, obiit veſtitus & ſaiſitus, ut de feodo ad pacem & fidem Domini noſtri Regis, in totam & integram Baroniam de Cowie, cum pertinen. jacent. infra vicecomitat. de Kincarden, & quod dictus Alexander Fraſer miles lator preſentium eſt legitimus & propinquior heres quondam Alexandri avi ſui, . . . illa Baron . . . . Willielmus Haya obiit ultimo veſtitus & ſaiſitus de terris illius Baronia, . . . & quod prefatus Alexander Fraſer miles eſt legitime etatis, & quod dicta Baronia nunc valent per annum quadrigenta libros in tempore paris, & dicte terre prefate Baronie tenentur de Domino comite de Erole, per ſervitium warde, & quod dicte terre nune exiſtunt in manibus prefati Domini comitis, tanquam in manibus ſuperioris Domini, per obitum Willielmi de Haya, a tempore trium menſium, vel circiter act. & clauſ. ſub teſtimonio ſigilli predicti vicecomitis deputati, una cum ſigillis qu. . . . qui dicti inquiſitioni . . . . Anno die menſis, & loco ſupradictis* (*b*).

In the 1469 he acquired the Lands of *Scatharty* and *Pyth* in the Barony of *Kinedward* from *Thomas Graham* of *Scatharty*, who thereupon in the uſual Manner diſpones them, *nobili viro Alexandro Fraſer de Philorth militi*; and the Alienation is confirmed by the Superior *John* Earl of *Roſs* the ſame Year, *February* 24. as Baron of *Kinedward*, *dilecto conſanguineo ſuo Alexandro Fraſer de Philorth militi* (*c*). He married *Marjory*, Daughter of *Gilbert Menzies* of *Findon*, Anceſtor to *Menzies* of *Pitfodal* (*d*), and had by her two Sons, *Alexander* his Succeſſor, and *James Fraſer* of *Memſey*, whoſe Deſcendents I am told ſtill enjoy the ſame Eſtate that was at firſt given them off, as an Appanage from the Family. He died *April* 7th, 1482 (*e*), and was ſucceeded by *Alexander* his Son, who was ſerved and retoured Heir to his Father the 8th of *May* thereafter (*f*). He was one of thoſe Barons who were preparing, as our Hiſtorians tell us, to come to the Aſſiſtance of King *James* III. when he fought the Battle of *Stirling*, without waiting for his *Northern* Friends, *anno* 1488. He married *Margaret*, Daughter of *William* Earl of *Eroll* (*g*), by whom he had *Alexander* who ſucceeded him, and Sir *William* who was his Brother's Succeſſor. Which *Alexander* the younger died without Iſſue, the 9th of *July* 1499 (*h*), and was ſucceeded by

Sir *William* his Brother, who was ſerved Heir to him the 10th of *December* 1501 (*i*). In the 1505, King *James* IV. as Baron of *Kinedward*, grants a Charter of the Lands of *Scatharty* in *Aberdeenſhire*, *Willielmo Fraſer de Philorth militi*, which Ba-

(*a*) Holinſhed's Hiſtory, Pag. 391, and the abovecited Manuſcript Hiſtory of the Family of Philorth and Salton. (*b*) Charta penes D. Salton. (*c*) Charta penes Dominum Salton. (*d*) Manuſcript Hiſtory of the Houſe of Philorth. (*e*) Ibidem. (*f*) Ibid. (*g*) Ibid. (*h*) Ibid. (*i*) Ibid.

rony of *Kinedward* had been adjudged to the King as Heir to *John* Earl of *Buchan* his Couſin, by a Decreet of Council in 1503 (*a*), as hath been ſaid. In the 1506, *Willielmus Fraſer de Philorth miles* is mentioned in a Mortification to the Univerſity of *Aberdeen* (*b*), and in ſeveral other Deeds of that Time, which the Brevity of this Diſſertation does not allow me particularly to condeſcend upon.

He married *Elizabeth*, Daughter of Sir *Gilbert Keith* of *Innerugie* Knight (*c*), and had *Alexander* his Son. He died at *Paris* the 5th of *September* 1513 (*d*).

Alexander Fraſer of *Philorth* was retoured to Sir *William* his Father, *May* 6th, 1516 (*e*), and had an Inſtrument of Saſine given him by *William* Earl of *Eroll*, as Sheriff of *Aberdeen*, *Alexandro Fraſer filio Willielmi Fraſer militis domini de Philorth*, payand four hundred and fifty Pound for Mails of the Lands of *Philorth* to the King, and a hundred and eighty Pound for Ward and Relief of the ſame. He was a great Favourite with King *James* V. from whom he had many Charters of Lands, as may be ſeen both amongſt his Family Writs, and in the Publick Archives.

In the 1546 he obtained a Charter from Queen *Mary*, with Conſent of the Earl of *Arran* the Regent, erecting his Village of *Fetheley*, afterward called *Fraſerburgh*, into a free Burgh of Barony; and in the 1549 he acquired the Superiority of ſeveral Lands in the Neighbourhood of his Eſtate from *John* Lord *Borthwick* (*f*). He married firſt *Katharine*, Daughter of . . . *Berkely Gairntully* (*g*), an ancient Family in the Shire of *Aberdeen*, by whom he had *Alexander*, who died in the Lifetime of his Father, the ſecond *William*, of whom the *Fraſers* of *Techmurrey* (*h*), and the preſent Lairds of *Techmurray* are deſcended; the third Son *Thomas Fraſer* of *Strichen*, who left two Daughters, *Katharine* and *Violate*, who were his Heirs (*i*); the fourth Son *John Fraſer*, a very learned Gentleman, called by *Dempſter* (*k*), *Joannes Fraſerius ex nobiliſſima familia Philorthiæ rari amenique ingenii*. The ſame learned Author tells us, That Mr. *Fraſer* was Abbot of *Noyon* or *Compiegne*, and that he writ two Books; the one *in univerſam Ariſtotelis Philoſophiam commentarii doctiſſimi*; the other he calls *Controverſia fidei vernacule*. This laſt Treatiſe I judge muſt be the Book he writ, intituled, *Offer made to a Gentleman of Quality by* John Fraſer, *to ſubſcribe and embrace the Miniſters of* Scotland's *Religion, if they can ſufficiently prove that they have the true Kirk and lawful Calling*. It was printed at *Paris* in 1604. In the 1596, Mr. *Fraſer* was unanimouſly elected Rector of the Univerſity of *Paris*, and died there in an advanced Age, the 19th of *April ſtylo novo*, being *Eaſter* Day 1609, and was interred in the *Franciſcans* Church there (*l*). *Dempſter* ſays, that *in pio literatoque otio conſenuit*; but by a Miſtake he places his Death in the 1605. Another Deſcendent of the Family of *Philorth* about this Time was one *William Fraſer*, who was received into the *Scots* College at *Paris*, *July* 1. 1611, and he ſigns himſelf, in his own Hand Writing in the Regiſters of the Univerſity, *Gulielmus Fraſer Philorthienſis*. After the ordinary Courſe of Studies, he was made Maſter of Arts, where he was long a Profeſſor, and frequently elected Procurator of the *Scots* and *German* Nations. The learned Gentleman, by whoſe Favour theſe Memoirs of Mr. *Fraſer* were communicated to me,

(*a*) Charta in pub. Archivis. (*b*) Liber Collegii Regii Aberdonen, M. S. (*c*) Manuſcript Hiſtory of the Houſe of Philorth ſo often mentioned, which narrates that this Lady ſurvived her Husband long, and died 10. February 1545 (*d*) Ibid. (*e*) Ibid. (*f*) Charta in pub. Archivis. (*g*) Hiſtorical Memoirs of the Houſe of Philorth, M. S. (*h*) Ibidem. This William the firſt of Techmurray had a younger Son John who toke Orders in France, and died in the Scots College at Paris, May 17, 1612; as appears from the Records of that College, communicated to me by a Perſon of Quality, and a Lover of Antiquities. (*i*) The Manuſcript Hiſtory of the Houſe of Salton. (*k*) In his Eccleſiaſtical Hiſtory of Scotland, Pag. 299. (*l*) Regiſters of the Univerſity of Paris.

me, ſays, he was eſteemed one of the beſt Humaniſts of his Time, and was alſo well skilled in the Mathematicks. He died the 8th of *February* 1661, and was on the Tenth thereafter interred in the Church of the *Carmelites* of *Placemawbert* (*a*). But to return to *Alexander Fraſer* younger of *Philorth*, who died before his Father; we are to obſerve, that he was married to the Lady *Beatrix Keith*, Daughter of *William* Earl *Mariſhal* (*b*), and died on the 30th of *November* 1564 (*c*), and by this Lady he left a Son *Alexander*, who became the Head of the Family, by the Death of his Grandfather, *April* 12. 1569 (*d*), to whom he was ſerved and retoured Heir the 28. of *March* 1570 (*e*). This Gentleman enjoyed an eminent Degree of Favour with King *James* VI. both before and after his Acceſſion to the *Engliſh* Crown, and had ſeveral Charters of Lands from him upon Narratives that are very much to his Honour (*f*). In the 1588, *April* 7th, the King wrote him a very kind Letter, craving his Aſſiſtance in advancing him Money for diſpatching his Ambaſſadors, in Purſuance of the Buſineſs of his Marriage with the Princeſs of *Denmark* (*g*); and the following Year he wrote him another Letter, which, for the Curioſity of it, I have placed in the Appendix. The Laird of *Philorth* was one of theſe Barons King *James* conferred the Honour of Knighthood upon, at the Solemnity of the Baptiſm of his Son Prince *Henry*, *Auguſt* 30. 1594, (*h*). Soon after he came to the Eſtate he began to build a large and beautiful Town at *Faithlie*, where his Family had formerly a Burgh of Barony, as is before mentioned; and in the Year 1570, *March* 6th, he laid the Foundation of the Tower of *Kyntairdshead*, ſince called the Caſtle of *Fraſersburgh*, and the next Year he built a new Church there (*i*). In the 1576, *March* 9th, he began to build a large and convenient Harbour at the ſame Place, and laid himſelf the firſt Stone of it, *in nomine Patris, Filii & Spiritus Sancti* (*k*). He continued to beautifie and inlarge the Town with publick Buildings and fine Streets; and at length, by the Favour of King *James*, got it erected into a Brugh of Regality, with very ample Privileges to himſelf and his Succeſſors of naming the Magiſtrates and Town Council, and of erecting there an Univerſity, equal in Privileges to any other in the Kingdom, giving him and his Heirs the Nomination of the Principal, Profeſſors, and whole Maſters thereof. This Erection Charter is really ſo ſingular and curious, that I thought it well deſerved a Place in the Appendix, which I have given it. This Town got then the Name of *Fraſersburgh*, upon which the Reverend Mr. *David Rattray* Parſon of *Philorth*, made the following Verſes.

Hoc tibi Fraſeria populis Rex curia nomen,
hoc dedit a proavis nobile nomen eques;
Vive diu felix, vero pietatis amore:
vive memor tanti nominis uſque tui.

He died at his Caſtle of *Fraſersburgh* on *Saturday* the 12th of *April* 1623, and on the 27th thereafter was with great Funeral Solemnity interred in the Iſle belonging to his Family there. I find this Epitaph wrote upon him by the Reverend Poet formerly mentioned.

Natus eques, factuſque jacet ſub mole ſepulchri
magnus Alexander Fraſer, hic exigui
Servat honos ſedem, filius, proliſque virilis
æternum nomen meniä Fraſeriæ.

By Dame *Magdalen Ogilvy* his Wife, Daughter of Sir *Walter Ogilvy* of *Dunlugus*, Anceſtor to the

(*a*) Regiſters of the Univerſity of Paris. (*b*) Charta in pub. Archivis, ad annum 1535, and the Manuſcript of the Family we have ſo frequently cited. (*c*) Ibidem. (*d*) Ibidem. (*e*) Ibidem. (*f*) Charta penes D. Salton. (*g*) Ibidem. (*h*) Manuſcript of the Houſe of Philorth, and a Copy of Verſes made by a Reverend Perſon, congratulating him upon that Occaſion, which I have ſeen. (*i*) Memoirs of the Houſe of Salton. (*k*) Ibid.

Lord *Banf* (*a*), he had Iſſue, *Alexander* his Succeſſor, *William* who died young, *James* who was Anceſtor of the *Fraſers* of *Tyrie*, *Thomas* who wrote the curious Manuſcript Hiſtory of his Anceſtors I have ſo frequently mentioned; alſo three Daughters, *Iſabel* married to *Patrick Chyne* of *Eſſlemont* (*b*), and had Iſſue, *Margaret* to . . . . *Hay* of *Urie*, and had Iſſue; and *Elizabeth* to *William Crawfurd* of *Pedelvet* (*c*), an ancient Family in the County of *Aberdeen*, and had Iſſue.

Alexander Fraſer the next Baron of *Philorth* in the 1598, married *Margaret Abernethy*, Daughter, and at length Sole Heir of *George* Lord *Salton* (*d*), by *Margaret* his firſt Wife, Daughter of *John* 4th Earl of *Athole*, upon which, amongſt many others, I find this *Epithelamium*.

Quam tanta tenuere mora, venit hora jugalis,
nympha Fraſero Abernethia nupta ſuo?
Felix illa, pari tandem bene nupta marito:
cara Philorthei dicitur una mari.
Dicitur ille gener Saltoni, ſummus utrique
eſt honor inde ſuus, cætera res loquitur
Connubio junctis, ſtabili benedicat Jeſus;
perpetuus vitæ ſit tenor iſte velit.

By this Lady he had Iſſue *Alexander* his Succeſſor, *John*, who got in Patrimony the Lands of *Pittully*, but he dying without Iſſue his Eſtate fell back again to the Family; alſo two Daughters, . . . married to . . . *Forbes* of *Blacktoun*, and . . . to . . . *Baird* of *Achmeden*.

Which *Alexander* was born the 25. of *March* 1604, and educate ſuitable to his Rank and Quality, both at Home and in Foreign Parts. This Gentleman was a great Royaliſt and ſuffered much for his Adherence to King *Charles* I. during the Troubles. In the 1647 he went into the Engagement for the King's Relief with great Zeal, and had the Command of a Regiment in that Service. After that, in the 1650, he raiſed a Regiment upon his own Charge for the Service of King *Cha.* II. and went with his Majeſty to the Battle of *Worceſter*, where he very narrowly eſcaped being taken Priſoner. While the King continued in *Scotland*, the Laird of *Philorth* lent his Majeſty ſeveral conſiderable Sums of Money very ſeaſonably; for which I have ſeen the Receipts, and the King's Letters deſiring theſe Loans. In the Year 1669, his Couſin *Alexander* Lord *Salton* dying without Iſſue, he thereupon ſerved himſelf Heir of Line to *George* Lord *Abernethy* of *Salton* his Grandfather, and took upon him that Title and Dignity: And that his Right to the Honour, to which he was ſo juſtly entitled, might be further declared and eſtabliſhed, he laid the Caſe before his Majeſty, who was not only graciouſly pleaſed by his own Letters Patent (*e*) to ratify and approve *his uſing and taking upon him, as Heir of Line, and next in Blood, the Title, Dignity, Place and Rank of Lord* Abernethy *of* Salton; but ordered an Act of Parliament to be made to that Effect, and which accordingly paſſed in the next Seſſion of Parliament, *anno* 1670 (*f*). He married firſt . . . . Daughter of *William Forbes* of *Tolquhon*, by whom he had only a Daughter that came to Age, who was married to *Alexander Fraſer* of *Techmurrey* (*g*). His ſecond Wife was *Elizabeth*, Daughter and Heir of *Alexander Seton* of *Meldrum* (*h*), by whom he had only one Son, *Alexander* Maſter of *Salton*, who, in the Lifetime of his Father (who ſurvived him) married three Wives; firſt, the Lady *Anne Ker*, Daughter of *William* Earl of *Lothian*, by whom he had two Sons, *Alexander* who died in the Nineteenth Year of his Age, *anno* 1673, unmarried, and *William* the late Lord *Salton*. *Secondly*, the Lady *Marion Cunninghame*, Daughter

(*a*) Manuſcript Hiſtory of the Houſe of Philorth. (*b*) Ibidem, etiam Charta in pub. Archiv. (*c*) Charta in pub. Archiv. (*d*) Manuſcript Hiſtory of the Family of Philorth. (*e*) Records of Parliament. (*f*) Acts of Parliament. (*g*) Additions by a modern Hand to the Manuſcript Hiſtory of the Family of Salton. (*h*) Ibidem.

Daughter of *William* Earl of *Glencairn*, and Counteſs Dowager of *Findlater*, and laſt of all, Lady *Sophia Erskine*, Daughter of *Alexander* Earl of *Kelly*; but by neither of theſe two Ladies had he any Iſſue. The Maſter died in the Month of *November* 1682 (*a*). His Father, the old Lord *Salton*, lived ten Years after this, and died in the uncommon Age of 90. *Auguſt* 11th 1693, and was ſucceeded in his Eſtate and Honour by

William Lord *Abernethy* of *Salton* his Grandſon, who was born on the 21ſt of *Novemb.* 1654. After he had paſſed the ordinary Courſe of Studies at home, for the further Improvement of his Education he travelled to *France*, and other Foreign Parts beyond Sea, and upon his Return lived ſometime about the Court of King *Charles* II. who beſtowed upon him a Company of Foot: But after the Death of the Maſter of *Salton* his Father, he came home, and ſet himſelf wholly to the retriving of his Eſtate, that was ſomewhat incumbered by the Sufferings of his Grandfather, and his own Father's generous Way of Living: In this excellent and laudable Deſign, his Lordſhip was ſo ſucceſsful, that by his great Management and Frugality, he not only brought up the Eſtate to the ſame, if not to a greater Degree of Opulency, than it had been at leaſt for ſome Generations before, but he was over and above enabled to give his two younger Sons noble Proviſions, which, I believe, every Body, as well as my ſelf, who who have the Honour to know the Gentlemen, will think they very well deſerve. The Lord *Salton*, I am told, was a great Promoter of the Project of *Darien*, and from the printed Minutes of Parliament, it appears he was one of the diſſenting Peers in the Seſſion of 1706, when the Treaty of Union was then under the Conſideration of the Houſe, which yet we all know was carried through and approven of. His Lordſhip died after a long Indiſpoſition, on the 18th of *March* 1716, in the 62. Year of his Age, and was interred in the Church of *Fraſersburgh* amongſt his Anceſtors, leaving Iſſue by Dame *Margaret* his Wife, Daughter of Dr. *James Sharp* Archbiſhop of St. *Andrews*, *Alexander* the preſent Lord *Salton*, Mr. *William Fraſer* of *Fraſerfield* Advocate, and Mr. *James Fraſer*; alſo three Daughters, *Helen* married to Sir *James Gordon* of *Park* Baronet, and had Iſſue, *Mary* to *William Dalmahoy* of *Revelrig*, and Miſtriſs *Iſabel*.

Alexander, now Lord *Salton*, married the Lady *Mary Gordon*, Daughter of *George* 1ſt Earl of *Aberdeen*, and has Iſſue, *Alexander* Maſter of *Salton*, Mr. *William* and Mr. *George Frafers*, Miſtriſs *Suſan* and Miſtriſs *Anne*.

Sir *Reginald More*

WAS after Sir *Alexander Fraſer* the next Great Chamberlain. The firſt of the Sirname of *More* that I have found on Record, was *Reginald More*, who is Witneſs in a Charter whereby *Hugo de Crawfurd, filius Hugonis de Crawfurd*, gave *Reginaldo de Crawfurd fratre ſuo carnali, totam partem terre ſue de Keres* which he held *De Domino Rogero Comite Wintonie* (*b*). This is in the Reign of King *Alexander* III. The next of the Sirname I have met with is *Adam More*, who had Charters of Lands from King *Robert* I. (*c*), and ſeems to be the Anceſtor of the Barons of *Rowallan* in *Air* Shire, where they have long continued in great Luſtre; and cotemporary with Sir *Adam* was Sir *Reginald More* the Lord Chamberlain, who, I apprehend, has been advanced to that great Office upon the Acceſſion of King *David* II. to the Crown; for *Die Veneris in feſto purificationis Beatæ Mariæ virginis* 1329, there is an Agreement betwixt the Abbot

(*a*) Additions by a modern Hand to the Manuſcript Hiſtory of the Family of Salton. (*b*) Charta penes Comitem de Loudon. (*c*) Charta in Rotulis Roberti I.

and Convent of *Newbottle*, & *Reginaldum More tunc temporis Camerarium Scotiæ*, anent the Lands of *Kinnaird* in the *Carse*, which Sir *Reginald* held of the Convent of *Holyroodhouse* (*a*). Soon after that he quit the Chamberlain's Place, which was given to Dr. *Benn* then Archdeacon of St. *Andrews*.

UPON the breaking out of the War he adhered to King *David* and the *Brucian* Intereſt with great Firmneſs and Fidelity, and, in Reward of his Loyalty and Merit, had a Grant of the Lands of *Tillybardin* then in the Crown, by the Forfeiture of Sir *Andrew Murray* (*b*). After that, in the 1340, he is named a Commiſſioner on the Part of *Scotland* to treat with the *Engliſh* about a Truce betwixt the two Nations. He died much about the ſame Time: For in an Indenture in the 1341, which I have ſeen, Sir *William More* his Son gave back again the Lands of *Tillybardin* to Sir *William Murray* for a Sum of Money therein agreed on, wherein it is narrated that Sir *Reginald More* his Father had got theſe Lands by the Gift of King *David*. He left Iſſue by his Wife, who was one of the Co-heirs of the *Grahams* of *Eskdale*, by whom he got the Lands of *Abercorn*, Sir *William More* his Son, who was conſtantly deſigned *Dominus de Abercorn*, and *Gilchriſt* a younger Son, of whom branched the *Mores* of the Houſe of *Caldwell* in *Renfrew* Shire: For in a Mortification by his Brother Sir *William More* of *Abercorn* of an Annuity of a Chalder of Victual out of his Eſtate to the Monks of *Cambuskenneth*, the 4th of *October* 1363, amongſt other Witneſſes to the Deed, there is *Gilchriſt More fratre meo* (*c*). In the Reign of King *Robert* III. by the Marriage of *Chriſtian* the Daughter and ſole Heir of another Sir *William More* of *Abercorn*, this great Eſtate was tranſferred to Sir *William Lindſay* of *Byres*, the Progenitor of the preſent Earl of *Crawfurd*.

James Biſhop of St. *Andrews*.

Dr. *Benn*, for this was his Sirname, being it ſeems from his Youth bred to the Church, took holy Orders, and was quickly thereafter preferred to be Archdeacon of St. *Andrews*, as early as the 1325: For then I find him in that Office & *legum profeſſorum*, as the Record deſigns him (*d*), when, together with the Earl of *Murray*, Sir *Robert Keith* Mariſhal, and Dr. *Walter Twynham* Canon of *Glaſgow*, he went Ambaſſador to *France* to renew the old Alliance, and to enter into a League offenſive and defenſive with that Realm, which they happily concluded in the Year 1326.

IN the 1328, Dr. *Benn* was choſen Biſhop of St. *Andrews* by free Election of the Canons, as the ancient Cuſtom of *Scotland* was (*e*). In the 1329, he crowned King *David*, and ſoon after was conſtituted Chamberlain of *Scotland*: But upon the Invaſion of *Edward Baliol*, the Biſhop being hotly purſued by the Uſurper, was forced to fly for Shelter to *Bruges* in *Flanders*, where he died the 22. of *September* 1332, and was interred in the Abbey of *Eckchot*, belonging to the Canons regular there (*f*), with this Epitaph upon his Tomb, which was copied off by a Gentleman of Quality, and a Lover of Antiquities.

Hic jacit, bonæ memoriæ, Jacobus Dominus de Biurt, Epiſcopus Sancti Andrèæ in Scotia noſtre Religionis, qui obiit Anno Domini mileſſimo tricenteſſimo trigeſſimo ſecundo, vigeſſimo ſecundo die Septembris. Orate pro eo.

Sir

(*a*) Chartulary of Newbottle. (*b*) Charta penes ducem de Athole. (*c*) Chartulary of Cambuskenneth in the Lawiers Library. (*d*) Charta in pub. Archivis, ad annum 1325. (*e*) Memoirs of Biſhop Benn, tranſmitted from Mr. Thomas Innes Rector of the Scots College at Paris to a Perſon of Quality, who communicated them to me. (*f*) Ibidem.

Sir *William Bullock.*

Our Hiſtorians tells us this Gentleman was an *Engliſhman* (*a*), and that for a while King *Edward* III. committed the whole Management of his Affairs in *Scotland* to him: But afterward, upon what Conviction I know not, he left that Intereſt and fell in heartily with King *David Bruce*, who thereupon received him into great Favour, and preferred him to be great Chamberlain of *Scotland* in 1335, and he held the Office for ſome Time. If he was not the great Chamberlain killed at *Durham*, I know not who it was; but after that the Office was given to Sir *Robert Erskine*.

Sir *Robert Erskine* Lord of *Erskine*.

This illuſtrious Perſon was the Son and Heir of that eminently loyal Patriot Sir *William Erskine*, who is ſo highly extolled for his Fidelity to King *David* II. by Archdeacon *Barber* (*b*), and other Hiſtorians of that Time; but who the Lady *Erskine* his Mother was, no Writ or Record that I have ſeen does mention.

By Reaſon of the Diſtance of Time, Negligence of Writers, and the Want of Records, I am not able to give any certain Account how or where Sir *Robert* paſt the firſt Years of his Life; but I may venture to ſay his Education was ſuitable to the Times, and according to his Quality, under the Care of a wiſe and loyal Father, who from his Youth formed in his Mind Principles of Loyalty, Honour and Vertue, which qualified him ſo eminently to make the great Figure, we find he did in moſt of all the Publick Tranſactions of the Times, and to diſcharge the ſeveral great Offices he paſſed thro' with ſuch Conduct and Sufficiency as we can't but ſtill admire. For what I can ſee Hiſtory has taken no Notice of him during the Lifetime of his Father, perhaps he was but young; nor have I found him in any Record, ſave that he is to be met with witneſſing ſeveral Charters given by the great Stewart of *Scotland* to his Vaſſals, both within the Barony of *Renfrew*, and elſewhere throughout the Kingdom, where his vaſt Eſtate lay.

In the 1348 or thereabout, upon the Death of his Father, he obtained from the *Great Stewart* his Superior, with whom he ſeems even then to have been a great Confident and Favourite, a Grant of the haill Tenements of the upper Lordſhip of *Erskine*, which I take to have been the Superiority of the Vaſſals within the Barony *pro homagio & ſervitio militari*, for Homage and Knights Service, as the Charter bears (*c*). The Witneſſes to the Deed were *Malcolmo comite de Wygton, David de Lindeſay Domino de Barnweel, Willielmo de Cuningham Domino de Kilmaures, Joanne Seneſcallo*, Brother to the great Stewart the Granter, *Willielmo de Caldwell cancellario Scotiæ, Willielmo Sympil & Goſelino de Coveran*. Having thus ſet out upon the Stage of the World, his firſt publick Appearance was very honourable; for he was one of thoſe loyal Patriots who owned the rightful Title of his captivated Sovereign, and did, with great Gallantry and Reſolution, not only defend their own Country from the Inſults of a victorious Enemy, after the Overthrow at *Durham*; but, in order as I take it, to facilitate the King's Redemption, entered the Marches of *England*, raviſhed the Country, and carried away many Priſoners of Quality. But finding, it ſeems, that Way of going to Work was not like to produce the Effect they intended, and had their Hearts ſo much ſet upon, they made

(*a*) Fordon, Rymer, &c. and Sir James Balfour's Catalogue of the great Chamberlains, M. S. penes me. (*b*) In his Hiſtory of King Robert the Bruce. (*c*) Original Charter, which I have ſeen and peruſed in the Hands of a very worthy Antiquary Mr. William Wilſon, lately one of the Clerks of the Seſſion.

a Propoſal to redeem their King, who had been now near two Years a Priſoner; the Motion was entertained by King *Edward* ſo far that Plenipotentiaries were named, and a Treaty ſet on Foot to negotiate the Affair, of which Number Sir *Robert Erſkine* was one (*a*), but the Treaty had no Effect: However his great Services in that Matter to the Crown and the Kingdom was rewarded with preferring him to one of the greateſt Offices in the Kingdom, the Chamberlain's Place, which, from a very good Voucher, we know he was now poſſeſſed of, a Charter under the Great Seal of King *David* whereby he ratifies a former that had been made by the Earl of *Fife*, confirming the Donation as Superior, which *Willielmus Douglaſs dominus loci ejuſdem*, as he calls himſelf, gave *Jacobo de Sandelands, & Dominæ Elenoræ de Bruis ſorore ſuæ de Baronia de Weſter Calder, cum omnibus ſuis pertinentiis, in liberam maritagium*, &c. The Sovereign's Confirmation bears Date, *apud Dundee, in Parliamento noſtro ibidem tento quinto decimo die Maii, anno Regni noſtri viceſſimo primo*, that is, in 1350. The Witneſſes are, *Willielmo, Willielmo & Duncano Sancti Andreæ, Dunblanen & Dunkelden Epiſcopos, Roberto ſeneſcallo Scotiæ nepoti noſtro, Thoma Comite de Mar, Thoma Comite de Angus, Malcolmo Flyming Comite de Wygton, Willielmo Comite Sutherlandiæ, David de Lindeſay Domino de Crawfurd, Roberto de Erskine camerario noſtro, & Magiſtro Willielmo de Caldwell cancellario noſtro Scotiæ* (*b*).

TREATIES for the King's Relief were after this renewed every Year, in which Sir *Robert Erskine* the Lord Chamberlain had always the Honour to be employed (*c*), tho' ſtill without Succeſs, till the 4th of *September* 1351, that he and his Colleagues, who were the Biſhops of St. *Andrews, Brechin, Caithneſs*, and *Dunblain*, the Earls of *March, Mar, Angus*, and *Sutherland*, Sir *William Douglaſs*, Sir *David Lindſay*, and Sir *William Livingſton*, Knights (*d*), came at length to this Agreement with the *Engliſh* Plenipotentiaries at *Newcaſtle*, That King *David* ſhould be permitted to go in Perſon to *Scotland*, that his Preſence might quicken the Zeal of his Subjects, and bring them to an Accomodation with King *Edward* concerning his Ranſom: But if this could not be affected, he was obliged to return by *Eaſter* next Year a Priſoner as before; and in the mean Time to find Surety for Performance, and to leave a great many Perſons of the firſt Quality as Hoſtages for him in *England* (*e*). But tho' in Purſuance of this Agreement King *David* took Journey for his own Dominions, nobly attended, and ſtaid there for ſome Time, yet King *Edward*'s Demands it ſeems were ſuch as the Nation could not in Honour comply with; ſo that he returned from *Scotland* according to the Time appointed in the next Year 1352, and being exchanged with his Hoſtages at *Berwick*, rendred himſelf a Priſoner as before. In *July* the enſuing Year 1353, the Treaty was again renewed at *Newcaſtle*, where King *David* was himſelf preſent, the Queen his Wife, Sir *Robert Erskine*; and thoſe other Commiſſioners I have named above waited upon him (*f*), and it ſeems agreed to ſuch Preliminaries as were afterward drawn out in Form, and were very near taking Effect (*g*): For in *July* the enſuing Year 1354 (*h*), there was another Congreſs held at *Newcaſtle*, when the Commiſſioners for *Scotland*, the Biſhops of St. *Andrews* and *Brechin*, the Earl of *March*, the Abbot of *Dunfermling*, the Arch Deacon of *Lothian* Doctor *Wardlaw*, and Sir *Robert Erskine* at length agreed, that Monſieur *David de Brus*, as the Record calls him, ſhould be inſtantly ſet at Liberty, and that he ſhould pay for his Ranſom the Sum of 90000 Merks *Sterling*, by equal Portions, within the Space of nine Years; that 10000 Merks

(*a*) Rymer's Fœdera. (*b*) Charta penes dominum Torpichen & Chartul. de Arbroath. (*c*) Mr. Rymer's Collections. (*d*) Ibidem. (*e*) Ibidem. (*f*) Ibidem. (*g*) Ibidem. (*h*) Rymer's Fœdera.

Merks being the firſt Proportion, ſhould be paid at the Feaſt of *Candlemaſs* next to come, the ſecond at *Candlemaſs* 1357, and ſo on till compleat Payment ſhould be made of the whole. That during the ſaid Space of nine Years there ſhould be a Truce betwixt the two Kingdoms. That twenty *Scots* Gentlemen, the Heirs of the greateſt Families in the Kingdom, ſhould remain in *England* as Hoſtages and Sureties for the ſaid Sum; and that if any Part thereof was not paid at the preciſe Term appointed, then the ſaid *David* ſhould return to *England*, and continue there a Priſoner till it was paid; or if he was detained by ſome juſt Impediment, that the Lord High Steward of *Scotland*, the Lord *Douglaſs*, *Thomas Murray* of *Bothwell*, and *John* of the *Iſles*, ſhould come and ſupply his Place. But tho' theſe Articles were not only aſſented to by the Plenipotentiaries of *Scotland* and *England*, but by both King *Edward* and the Prince of *Wales* his Son confirmed and ratified, yet the Government of *Scotland* did not think fit to ratifie the Treaty, for what Reaſon I cannot tell; perhaps they found it no eaſie Matter to raiſe ſuch a Sum as was demanded for the King's Ranſom; and it may be they were diſſatisfied, that the *Baliol's Title* was not turned out of Doors, and that of King *David's* acquieſced in, and acknowledged by the *Engliſh*; or, what is yet more probable, they deferred ratifying this ſeparate Treaty till their Ally the King of *France* ſhould approve of it: Be the Reaſons what they will, 'tis certain the *Scots* refuſed to comply with it at that Time, tho' they did not refuſe to enter upon a new Treaty; for, in *January* 1356, the great Steward the Lieutenant of *Scotland* for King *David*, did, in a full Council holden at *Perth*, with Advice and Conſent of the Prelates, Nobles, and whole Community of the Kingdom, name, conſtitute and appoint, *William* Biſhop of St. *Andrews*, *Patrick* Biſhop of *Brechin*, Sir *William Livingſton*, and Sir *Robert Erskine* his Plenipotentiaries and Commiſſioners, with Power to them to treat about the Redemption of the King, and a final Peace with *England* (*a*). But King *Edward* it ſeems reſenting his Offers the *Scots* had rejected laſt Year, had very little or no Regard to thoſe amicable Advances; and the War was carried on as formerly, till the Pope's Legate at *Bourdeaux* mediated a two Years Truce in *March* 1357, which was agreed to at *London* on the 8th of *May* following: And 'tis obſervable, That in this laſt Treaty King *David* is ſtiled, *Monſieur David Roy d' Eſcoſſe*, that is, he is acknowledged King of *Scotland* by the *Engliſh*; from whence it was eaſie to conclude, that the Time of his Deliverance was drawing near, yet all Matters in Debate were not finally adjuſted: But he was ſoon conducted to *Berwick* (*b*), where he was met by *William* Biſhop of St. *Andrews*, *Thomas* Biſhop of *Caithneſs*, *Patrick* Biſhop of *Brechin* Chancellor of *Scotland*, *Patrick* Earl of *March*, Sir *Robert Erskine*, and Sir *William Livingſton* Plenipotentiaries, named and commiſſioned by the great Steward the Guardian of *Scotland*, in a full Council of the Kingdom holden at *Edinburgh* on the 26th of *September*, who, on the third of *October*, came to this final Agreement with the *Engliſh* Commiſſioners.

I. THAT King *David* ſhould be releaſed, ſet free and ranſomed for Ten Thouſand Merks *Sterling* Money, to be paid yearly by Ten Thouſand Merks, the firſt Payment to begin at Midſummer next following at *Berwick*, if then in the Hands of the *Engliſh*.

II. THAT there ſhould be a firm Truce kept and obſerved in *England*, *Scotland* and the Iſle of *Man*, during the Space of Ten Years, or at leaſt till the whole Sum was paid, and that *Edward* the *Baliol*, and *John*

(*a*) Rymer's Fœdera. (*b*) Ibidem.

of the *Iſles*, as Allies of the King of *England*, ſhould be included in this Truce.

III. THAT for Performance of the whole Treaty, King *David* ſhould deliver Twenty Hoſtages to the King of *England* (*a*). Thoſe who had that Honour, have a juſt Claim of having their Memory and Names tranſmitted to Poſterity, and I ſhall not be wanting in doing them that Piece of Juſtice. They are as follows.

John, Son and Heir of *Robert* the Great Steward of *Scotland*.

VVilliam, Son and Heir of the Earl of *Roſs*.

John, Son and Heir to the Earl of *Sutherland*.

Thomas, Grandſon and Heir to the Earl of *VVigton*.

Reynold, Son and Heir of Sir *VVilliam More*.

Patrick, Son and Heir of Sir *David* of *Graham*.

Robert, Son of Sir *VVilliam* of *Cunningham*.

VVilliam, Son of Sir *Thomas Biſſet*.

Robert, Son and Heir of Sir *Robert Stewart* of *Darnly*.

Patrick, Son and Heir of Sir *VVilliam Livingſtoun*.

Thomas, Son of Sir *Robert Erskine*.

VVilliam, Son and Heir of Sir *Thomas Somervel*.

Robert, Son and Heir of Sir *John Danielſtoun*.

David, Son and Heir of Sir *David* of *VVeemyſs*.

John, Son and Heir of *Andrew* of *Valens*.

Umfrey, Son and Heir of *Roger* of *Kyrkpatrick*.

John, Son and Heir of *John Kenzedy*.

Thomas, Son and Heir of *VVilliam Hay* of *Locheruard*.

John, Son of *John Berkeley*.

John, Son and Heir of *John* of *Gray*.

IV. THAT if the Money was not paid at the Terms agreed on, King *David* himſelf ſhould return into *England*, and render himſelf Priſoner, there to remain till all the Arrears of his Ranſom were diſcharged; but in Caſe he were hindred from going thither, that then he ſhould ſend in his Stead the Great Steward of *Scotland*, the Lord *Douglaſs*, and *Thomas Murray*, or failing of theſe three, others of the greateſt Quality. And as if this was not enough,

V. THE King, with the Prelates, Lords and Merchants, make themſelves liable to the Cenſures of the Church, and are willing to be deprived of the Communion of the Faithful, in Caſe they ſhould fail to pay the Money at the Terms above mentioned; nay each of them in particular obliges himſelf as principal Debitor for the whole Sum.

THE other Articles being leſs material, I purpoſely omit. The whole Agreement was two Days after ratified in the moſt ſolemn Manner imaginable, not only by the King now ſuppoſed to be at Liberty, but alſo by all the Deputies of the three Eſtates there preſent: And the ſame was done a ſecond Time by a full Council of the Kingdom of *Scotland*, aſſembled at *Scoon* on the 6th of the enſuing Month of *November* of the Year 1358 aforeſaid (*b*).

KING *David* had no ſooner returned to *Scotland*, but he thought fit to have Recourſe to his Allies the *French*. Accordingly, at *Edinburgh* on the 10th of *May* 1359, he commiſſioned Sir *Robert Erskine*, called in the Record *his Couſin*, Sir *John Grant*, and *Norman Leſly* Eſq; to go over to *Frante* to renew the old League hitherto inviolably obſerved between the two Nations (*c*). Theſe Ambaſſadors arrived at *Paris* before the 15th of *June*, on which Day, at *Lupar*, near *Paris*, *Charles*, eldeſt Son to King *John*, and in his Abſence

(*a*) I have choſen to inſert the Names of the Hoſtages here, becauſe they have never been fully ſet down heretofore by any Scots Author whatſoever that I know of. (*b*) Rymers Fœdera Angliæ, Tom. vi. Page 68. (*c*) Record taken from the Regiſters of France. Abercromby, Vol 2. p. 125.

Abſence Guardian of the Kingdom, gave the like Commiſſion to *Symon de Bucy* Chevalier, and *John Chalemart Conſeiller du Roy*; and the Plenipotentiaries for both Sides being met, thoſe of *Scotland* produced a Copy of the Treaty of *Berwick* (*a*), then gave a ſuccinct Account of the long War their King and Kingdom had ſuſtained againſt the King and Kingdom of *England*; adding, that their Royal Maſter might have been much ſooner and upon eaſier Terms relieved from Captivity, had he not abſolutely refuſed to renounce his Alliance with *France*; but that confiding on the Aſſiſtance of the King Regent and Kingdom of *France*, he had only treated about his own Redemption, and engaged to pay 100000 Merks *Sterling* by equal Proportions, within the Space of Ten Years, for which ſeveral Noble Perſons his Subjects were Hoſtages in *England*, and that till they were relieved by complete Payment of the whole Sum, a Truce was agreed to; That but 10000 Merks were yet paid, and 90000 remained due, which the *Scots* of themſelves would not be able to pay ſooner then was agreed to by the Treaty, nor could they by Conſequence make War againſt *England*, till the Ten Years were expired; That nevertheleſs they very much inclined to renew the War, and might juſtly do it, were the Money paid, and their Hoſtages relieved. Wherefore, in Regard the King and Kingdom of *France* were obliged, when required, to give Aid and Counſel to the King and Kingdom of *Scotland*, they now deſired ſuch Counſel and Aid as were neceſſary in the preſent Juncture of Affairs. The Plenipotentiaries for *France* replied, That by the ancient League, the King and Kingdom of *Scotland* were bound to make no Peace nor Truce with *England*, without comprehending the King and Kingdom of *France* therein; That at preſent there was an open War between *France* and *England*, and that the King of *France* himſelf, and a great many of his Earls and Barons were actually Priſoners in *England*; that therefore the Regent and Kingdom of *France* could not aſſiſt the King and Kingdom of *Scotland* ſo powerfully, nor ſo ſoon, as they would otherwiſe do: But if the *Scots* would, in Purſuance of former Treaties, undertake to renew the War, then, toward promoting that, and paying Part of the Ranſom, they were willing to advance to the ſaid King at *Bruges* in *Flanders*, by Eaſter next the Sum of 50000 Merks *Sterling*, for the greater Eaſe and Encouragement of the King of *Scotland*. They likewiſe conſented to paſs from an Article of a former Treaty, by which he was obliged to ſend 500 Men at Arms, and as many Archers to the Service of *France*. Upon which the *Scots* Commiſſioners did undertake, that upon the Receipt of the promiſed Money, to renew the War at their own Charges, and to proſecute the ſame with Vigour, till Victory or a general Peace was obtained. But tho' this Treaty was agreed to by the Plenipotentiaries on both Sides, the 29th of *June* 1359, in the New Hall of the Royal Palace in *Paris*, and ratified the ſame Day and Date by the Regent of *France*, yet I believe it had no Effect. It was about the Time that Sir *Robert Erſkine* went Ambaſſador to *France*, that he ſurrendered the Chamberlain's Place, which was conferred on the Earl of *Mar* (*b*). But tho', as hath been ſaid, his Negociation had not the deſired Effect, yet the Merit of that and his former great Services were not left unrewarded: For upon his Return he had a Charter from King *David*, wherein he ſtiles him *Dilecto confederato noſtro*, and to *Chriſtian Keith* his Wife in Conjunct-Fee of the Lordſhip of *Alloway*, *Gaberſton*, and the *Iſle* and *Park* of *Clackmanan*, and that in Excambion

(*a*) Record taken from the Regiſters of France. (*b*) Charta in pub. Archivis. Abercromby Vol. 2. p. 125.

for their Lands of *Strathgartney* (*a*). But this was not all; for ſoon after that, he was preferred to be great Juſticiary of *Scotland* be North the River of *Forth*, *anno* 1360; when by Virtue of the Powers committed to him, and his Colleague Sir *Hugh Eglinton*, who was Juſticiary of *Lothian*, they adjuſted and finally agreed a *deadly Feud* that had raged a long Time betwixt two noble and powerful Families in *Perth*-Shire, the *Drummonds* and the *Mentieths*, which had occaſioned great Rapine and Bloodſhed (*b*). And without parting with the Juſticiary's Place, Sir *Robert* was, in the 1363, a ſecond Time conſtituted Great Chamberlain of *Scotland* (*c*), upon the Promotion, as I take it, of Dr. *Moniemuſs* to the Epiſcopal See of *Dunkeld*, for then I find him expreſly deſigned *Camerarius Scotiæ* in a Charter under the Great Seal of King *David Bruce*, whereby he ratifies and confirms the Grant which *Maria Comitiſſa de Mentieth* made to her Couſin *Gileſpyk Cambel filio quondam Colini Cambel militis* of the Lands of *Kilmun* in *Cowal*, of the Date *September* 11th, the 34th of his Reign. The Witneſſes are *Patricio Epiſcopo Brichenen Cancellario noſtro, Roberto Seneſcallo Scotiæ Comite de Strathern, Roberto de Erskine Camerario Scotiæ, Waltero de Haliburton & Archibaldo de Douglaſs militibus (d)*. He held the Chamberlain's Place for the Space of five Years, that he quit the Office, which was thereupon given to one Mr. *Biggar* the Rector of *Errol* (*e*).

In the 1364, we find Sir *Robert Erskine* was with the Biſhops of St. *Andrews* and *Brechin*, and one *Normand Leſly* named Commiſſioners for *Scotland*, to treat with the *Engliſh* about a final Peace betwixt the two Nations (*f*); they and the *Engliſh* Plenipotentiaries, named for the ſame Purpoſe, met, and, after long Reaſonings together upon the Subject, agreed to the following Articles, which in Preſence of both Kings were drawn up, importing,

I. That toward a final Peace and a happy Union of the two Kingdoms, the King of *Scotland* ſhould propoſe to the Community of his Subjects, that in caſe he himſelf ſhould die without Heirs of his own Body, they would agree and conſent that the King of *England* and his Heirs ſhould ſccceed him in the Throne, which if they could be prevailed upon to do, in that Caſe, the King of *England*, as an Equivalent for ſo great a Conceſſion, was to undertake,

II. That he ſhould forgive and for ever diſcharge the whole Sum, ſtill due for the Ranſom of King *David*.

III. That he ſhould inſtantly ſurrender and give up to King *David*, and the Crown of *Scotland*, all the Towns and Territories formerly poſſeſſed by King *Robert Bruce*, particularly the Town, Caſtle, and County of *Berwick*, the Caſtle of, and the neighbouring Country to *Roxburgh*, the Caſtles of *Jedburgh*, *Lochmaben*, &c.

IV. That he ſhould give full Satisfaction and Equivalent Eſtates in *England* to the Earl of *Athole*, and the Lords *Beaumont*, *Percy*, *Ferrers*, *Talbot*, &c. for their Claims and former Poſſeſſions in *Scotland*.

V. That he ſhould repone King *David* to all the Rights, Dignities, and Territories his Anceſtors had ever enjoyed in *England*, provided nevertheleſs, that he and his Heirs Kings of *Scotland* ſhould do Homage for them

(*a*) Charta penes Comitem de Buchan. (*b*) Original Indenture of Agreement, betwixt the Drummonds and the Mentieths, publiſhed from the Original, in the Charter Cheſt of the noble Family of Drummond, by the learned Editors of Mr. Drummond of Hathornden's Works in 1711, and bears Date, die Dominica decimo ſeptimo die menſis Maii, ſuper ripam aquæ de Forth, juxta Strivelyn, anno ab incarnatione domini mileſſimo trecenteſſimo ſexageſſimo. (*c*) Charta in pub. Archivis, ad Annum 1363. (*d*) Charta penes ducem de Argyle. There is alſo a Charter in the Rolls of King David, the 33d Year of his Reign, Roberto filio Duncani de Atholia of the Lands of Ferrel, in which Robertus de Erskine is deſigned Camerarius Scotiæ. (*e*) Rymer's Fœdera Angliæ. (*f*) Ibidem, Tom. 6. Page 246, &c.

them allenarly, and not at all for the Kingdom of *Scotland* it ſelf.

VI. THAT in all Events the Name, Title and Dignity of the Kingdom of *Scotland*, ſhould be honourably and inviolably preſerved without Union or Annexation to that of *England*; and that for this Effect the Sovereign of both ſhould be ſtiled, the *Kings* in the Plural Number, or otherwiſe, *the King of* England *and* Scotland.

VII. THAT the ſaid Sovereign, after being crowned King of *England*, ſhall come in Perſon, and be alſo crowned King of *Scotland* at *Scoon*, in the *Marble Chair*, which ſhould forthwith be tranſmitted from *London* to *Scoon*.

VIII. THAT he ſhould keep his *Scots* Parliaments within the Bounds of *Scotland*, and no where elſe.

IX. THAT at his Coronation he ſhould ſwear to maintain the Church of *Scotland*, free and independent of all Arch-biſhops and Biſhops whatſoever, the See of *Rome* only excepted; as alſo all the Laws and Statutes made by the good Kings of *Scotland*; and ſhould call nor ſuffer no *Scotſman* to be called out of the Kingdom of *Scotland* to any Judicatory in Being.

X. THAT he ſhould ſuffer no Eccleſiaſtical Dignities nor Revenues within *Scotland*, to be conferred on any but *Scotſmen*.

XI. THAT all temporal Dignities and Places of Profit, ſuch as theſe of Chancellour, Chamberlain, Judge, Sheriff, Provoſt, Baillie, Guardians of Towns and Caſtles within *Scotland*, ſhould be entruſted with none, but *Scotſmen*.

XII. THAT all Prelates, Barons, Freeholders, ſhould be maintained in the Rights and Privileges they then enjoyed.

XIII. THAT the Earl of *Douglaſs* ſhould be reponed to the Lands enjoyed by his Father and Uncle in *England*.

XIV. THAT none of the Grants made by the late King *Robert*, or the preſent King *David*, or any of their Predeceſſors ſhould ever be recalled.

XV. THAT the Merchants of *Scotland* ſhould have full Liberty of Commerce and Trade with the *Engliſh*, and that they ſhould not be obliged to go any where, no not even to *Calis*, the then Staple Port for *Engliſh* Wool, but might purchaſe Wool in *England* it ſelf upon paying but half a Merk Cuſtom for the Sack of it.

XVI. THAT the Sovereign, whereever he ſhould chance to be, ſhould always have by him a Council of *Scots* Peers and Lords for the Direction of *Scots* Affairs.

XVII. THAT he ſhould impoſe no Taxes upon *Scotland*, but ſuch as had been paid to and exacted by the beſt of *Scots* Kings.

XVIII. THAT he ſhould not oblige the *Scots* to ſerve in the Wars otherwiſe then was uſual before, nor to keep the Fields at their own Charges above forty Days at a Time; and that if the Exigency of Affairs required any of them to continue longer in the Service, they ſhould be paid out of the Exchequer, conform to their Rank and Quality.

XIX. THAT as often as the Sovereign ſhould be crowned at *Scoon*, the Articles of this Agreement ſhould be read to the King and People, and the King ſhall take an Oath to keep them inviolable.

I ſhall make no Reflexions upon this Treaty, but only obſerve, that after it was drawn out in Form, it was propoſed in the Parliament of *Scotland*; but notwithſtanding of all the Advantages therein offered, the Overture was no ſooner made then it was unanimouſly rejected; and Mr. *Buchanan* (*a*) ſays, *That it was no ſooner propoſed, but the whole Meeting, with one tumultuous and confuſed Voice, expreſſed their Deteſtation againſt it, nor would they ſo much as Reaſon upon the Matter, nor ſuffer it to be brought to a Vote.* Nay there were thoſe, who fearing the King's Reſentment, who was it ſeems for

(*a*) Buchanan, Page 305.

it, began to meditate a Revolt: But the King, ſatisfied that a free and independent Nation was not to be forced without the Height of Injuſtice into a Compliance with what themſelves conceived to be an Incroachment upon their fundamental Conſtitution, complied with their Humour, and dropt the Deſign.

In the 1365, the Truce formerly agreed on at *Berwick*, drawing now toward an End, King *David* thought fit to have it further prolonged; and accordingly he named the Biſhop of St. *Andrews*, Sir *Robert Erſkine*, Dr. *Wardlaw* the Arch Deacon of *Lothian*, and one Mr. *Armſtrong* his Plenipotentiaries, who met with the Commiſſioners of *England* at *London*, and, on the 20th of *May* (*a*), came to the following Agreement.

I. That in regard the King of *Scotland* and his Subjects had failed in their anntual Payments, they ſhould now, to avoid the Penalties thereby incurred, become Debitors to the King of *England* for the Sum of a Hundred thouſand Pound *Sterling*, to be paid by equal Portions, within the Space of Twenty five Years; that is to ſay, Six thouſand Merks payable at the Feaſt of *Candlemaſs* next to come 1366, Six thouſand Merks more at *Candlemaſs* 1367, and ſo on till the whole were paid.

II. That during the ſaid Space of Twenty five Years, there ſhould be a Truce between the two Kingdoms, unleſs either or both of the Kings ſhould rather choſe to renew the War: But that however,

III. That the Truce concluded at *Berwick* on the third of *October* 1357, ſhould be prolonged till *Candlemaſs* next, and from thence till *Candlemaſs* 1370, during which Time Means ſhould be uſed toward bringing about a final Peace: But if that could not be effected,

IV. The Truce might nevertheleſs be continued, conform to the Terms of the firſt and ſecond Article: But if the King of *England* ſhould rather choſe to renew the War, in that Caſe the preſent Obligation given to him for the Sum of 100000 *L.* ſhould become null and void, and what Money ſhall be paid by the King of *England*, during the ſaid four Years Truce, ſhall be deduced out of the Sum of 80000 Merks, yet due as the Remainder of his Ranſom. Beſides the ſaid King of *England* ſhall give warning to the ſaid King of *Scotland* of his Deſign of renewing the War half a Year before he begins it.

V. That if the King of *Scotland* ſhall, after the four Years Truce is expired, think fit to renew the War, he ſhall in the ſame Manner preadvertiſe the King of *England*, and be nevertheleſs obliged, as before, to pay the whole Sum of 100000 *L.*

This Treaty was ratified by King *David* at *Edinburgh* on the 12th, and by King *Edward* of *England* at *Windſor* on the 20th of *June* 1565, and was religiouſly obſerved by both the Kingdoms; as will appear more fully to the curious Reader, if he ſhall be pleaſed to conſult Mr. *Rymer*'s Collections, *Tom.* IV. *Page* 469 and 470.

In the 1369, the four Years Truce abovementioned being upon the Point of expiring, both Nations, it ſeems, thought fit to renew it: Accordingly King *David* deputed the Biſhops of St. *Andrews*, *Glaſgow*, *Dunkeld*, *Brichen* and *Dunblain*, the Earls of *Stathern*, *Mar*, *March*, *Douglaſs* and *Carrick*, Sir *William Keith* Mariſhal of *Scotland*, Sir *Archibald Douglaſs*, Sir *Robert Erskine*, *Walter Leſly*, *Walter Haliburton*, *Alexander Lindſay*, all Barons and Knights, and Mr. *John* of *Carrick* Keeper of the Privy Seal, to treat with other Prelates, Nobles and Lords, named by the King of *England* for that Effect. The Commiſſioners of both Kingdoms met at *London* in *May* 1369, and on the 3d of *June* thereafter ſtipulated and concluded, as it is termed, a juſt, lawful and ſtable Truce, Forbearance and Ceſſation of War, from that preſent Day till *Candlemaſs* next coming

(*a*) Rymer's Fœdera Angliæ, Tom. 6. Page 464 and 465.

ng, and from thence forward for ourteen Years next enſuing (a).

During which Truce there ſhall o Moleſtation, Damage, Injury, Aſſault or Enterpriſe be offered on ither Side, whether by taking of Towns, Caſtles, or Fortreſſes; by urning of Houſes or other Things; y taking and detaining of Perſons; y plundering of Cattle and Goods; r by any other hoſtile Act whatever; but they ſhall live, converſe, nd traffick mutually together, freey, and peaceably, without producing ny Letters of Safe-conduct, and ithout any Arreſt, Diſturbance or nterruption altogether in as much mity as they would, and ought to o in the Time of an abſolute Peace; nly paying the Dues and Cuſtoms o one King as well as to the other.

And if any Thing chance to be ttempted, or committed by either ing, or their Subjects of either art, contrary to the ſame, it ſhall nly, and as ſoon as may be, without any Fraud or Delay, be repair-d, redreſſed, and made good to the arty that ſhall be injured; the ruce for all that remaining in full orce and Vertue.

And in like Manner, during the erm of the ſaid Truce, neither the ing of *England*, nor of *Scotland*, or any of their Subjects of either ingdom, nor any of their Lords, ay be an Ill-wiſher, Adverſary, or nemy; nor ſhall commit any Act f Hoſtility, Damage, or Injury; either may they be aiding, comorting, or counſelling in *England*, r in *Scotland*, or in any Place elſehere, againſt the Kings and Subjects f either Kingdom, or of any of heir Dominions in any Manner whatever.

And if any of the ſaid Subjects o act to the contrary, they ſhall, n the firſt Place, be required and ommanded by Way of Letter to deiſt; and, upon Neglect thereof, hey ſhall be puniſhed as Traitors and Rebels, and all their Goods be forfeited and confiſcated to that King whoſe Subjects they are.

And during the ſaid Term, no Subject, who may be a Rebel, and diſobedient to either King, ſhall be admitted into one Kingdom, nor into the other, nor into any of their Dominions, whereby he may offer Injury and Wrong to the ſaid Kings, or to any of their Subjects.

And the ſaid King of *Scotland*, for the Remainder of his Ranſom, ſhall pay 56000 Merks in Gold, or Silver of an equal Value, to the King of *England*, or to his Heirs or Deputies, at *Berwick* upon *Tweed*, at *Norham*, or at *Bamborough*, in the Space of the foreſaid Truce.

That is to ſay, every Year, 4000 Merks, till the whole Sum aforeſaid ſhall be paid; whereof the firſt Payment ſhall commence, in the ſame Manner, as hath been ſaid before, at *Candlemas* next coming, or within fifteen Days after; and ſo from Year to Year, till all the foreſaid Sum of 56000 Merks ſhall be fully paid, as hath been already ſaid; and afterwards the King, and the other Lords of *Scotland*, who ſtand engaged for the Payment of the ſaid Remainder, their Heirs and Succeſſors, ſhall remain acquitted and diſcharged by the ſaid King of *England*, his Heirs, Succeſſors, and Aſſignees, of all the ſaid Ranſom, and all other Sums, Penalties, Failures, Oaths, Obligations, Covenants, Promiſes and Defaults, if any chance to be alledged: And of all Demands, which may be made by Vertue of any Obligations, by Indentures, and publick Inſtruments, granted and paſſed to the ſaid King of *England*, ſince the Time that the ſaid King of *Scotland* was taken Priſoner at the Battle of *Durham*.

And, in particular, of the laſt Obligation by the ſaid King of *Scotland*, given for the Payment of 100000 *L.* And that ſame laſt Bond, and all other Letters obliga-

(a) Letters from Mr. Rymer to the Biſhop of Carliſle relating to Scots Affairs, printed in 1702. I the rather chuſe to put in this Ceſſation and Truce fully, becauſe no Scots Author that I know of has ever hitherto taken Notice of it.

tory, Indentures, and publick Inſtruments ſhall, upon the laſt Payment, be actually reſtored and delivered to the Commiſſioners of the ſaid King of *Scotland*. And in Caſe that any ſuch Writings, relating thereunto, ſhall be found and appear afterwards, they ſhall be always looked upon as void and null, and ſhall looſe their Force, Effect and Power, in all Points; and ſhall not be of any Benefit, after the ſaid laſt Payment, to the King of *England*, nor of any Damage to the King of *Scotland*.

It is in like Manner ſtipulated by the Commiſſioners of the King of *England*, that the Subjects of the King of *Scotland* ſhall have, during the ſaid Truce, one Moiety of the Rents and Profits of the Lands and Poſſeſſions in the Hands of thoſe People, who are under the Subjection and Obedience of the King of *England* in the County of *Roxburgh*; that is, in ſuch Manner that thoſe of *Scotland*, claiming Right of Inheritance in the ſaid Lands and Poſſeſſions, may enjoy one Moiety of the Profits; but that all the Time of the ſaid Truce, the ſaid Lands and Poſſeſſions, together with the Perſons in whoſe Hands they are, ſhall remain, as to the King of *England*, in the ſame State, Fealty, Obedience, and Condition they are in this preſent Day.

And the ſaid Lands ſhall, during the Term of the ſaid Truce, be farmed out well and faithfully, by the joint Conſent of both Parties concerned, to as much Advantage as may be, without any Fraud or Deceit.

And the ſaid Truce ſhall be proclaimed and publiſhed yearly thro' all the Kingdoms, in *Ireland*, and thro' all the Dominions of both the Kings aforeſaid, both on this Side, and beyond the Sea; and upon the Delivery of this preſent Treaty under the Seals of the Prelates and Lords aboveſaid, the ſaid King of *England* ſhall in like Manner deliver a Counterpart of the ſame, under th Seals of the Honourable Fathers i God, *William* of *Wincheſter* Chancel lor, *John* of *Ely* Treaſurer of *Englan Symon* of *London*, *Adam* of St. *Da vids*, *William* of *Worceſter* Biſhops the Noble and Puiſſant Lords *Joh* Duke of *Lancaſter*, *Richard* of *A rundel*, *Thomas* of *Beauchamp* of *War rewick*, *Robert* of *Suffolk*, and *Wi liam Montague* of *Salisbury* Earls *Henry* Lord *Percy*, *Roger* Lord *Clif ford*, *William* Lord *Latimer*, Sir *Peter Lacy* Keeper of the Privy-Seal.

All and every of which Articles the Prelates and Lords of *Scotland* ſwore and promiſed that they would obſerve, preſerve and fulfil ſo far as did, or might concern them in every individual Point well and faithfully, without Fraud or Deceit and without ſaying or acting any Thing tacitely, or expreſly, by themſelves, or by any other for them, to the Contrary. To this Treaty, al the Prelates and Lords of *Scotland* aforeſaid ſet to their Seals, at the City of *London* the Day, Month and Year of Grace foreſaid.

Sir *Robert Erskine* having a great Deal of Merit with King *David*, he had by his ſpecial Favour a Grant of the Lands of *Edenem* and *Niſbet* (*a*), which he afterward exchanged with the Crown, for a Annuity payable out of the great Cuſtoms of the Burgh of *Aberdeen* (*b*), and in the 40th of the ſame Reign, he was appointed Captain Governor of the Caſtle of *Stirling* for Life, and Sheriff of the Shire, & *pro ſuſtentatione ipſius caſtri annua tim*, he had a Grant *de illas quatu ordecem celdras frumenti, & duode cem celdras farine avenarum debeti, ſi ve exeuntes de terra de Bothkener & ducentis marcis Sterlingorum per cipiend. annuatim, per manus Came rarii noſtri qui pro tempore fueri* He gave likewiſe *Dilecto conſan guineo ſuo Roberto Erskine militi omnes terras firmatas, & omnes redi tus ad nos pertinen. & in manus noſt ra*

(*a*) Chartulary of the Epiſcopall See of Aberdeen in the Lawiers Library. (*b*) Ibidem.

ras exiſten. infra Vicecomitat. de Strivelyn, una cum wardis, reliviis, & eſchetis, quæ nos contingere poterint, infra ejusdem Vicecomitatum. Datum decimo ſexto die menſis Aprilis, anno Regni noſtri quadrageſſimo (*a*). All our Hiſtorians tell us, that, upon the Death of King *David*, Sir *Robert Erskine* was eminently inſtrumental in bringing King *Robert* II. the firſt of the *Stewarts* Family, peaceably to the Crown, and in diſpoſing the then Earl of *Douglaſs*, who had ſome Kind of remote Pretence, to acquieſce in the rightful Title of his lawful Sovereign (*b*). Mr. *Winton* our old Poet and Hiſtorian repreſents this Matter ſo handſomly, that I cannot but gratify the Reader ſo far as to ſet down his own Words.

Quhen yat ye King Davy *was deid,*
His Siſters Son untill his Steid,
Robert Stewart *was maid King,*
Specially throw the helping
Of gude Schir Robert *of* Ersking,
That Edinburgh, Dunbarton, *and* Striveling
Had in his Keeping, yan all three;
Worthy, wiſe and leil was he.
He knew the Stewarts *meikle Right,*
Therefore he helpit him at mycht,
To gar him have what his ſuld be,
And yairfore with an greit Meuze
Till Linlithgow *with him cam he,* &c.

As Sir *Robert Erskine* had been highly Inſtrumental in bringing King *Robert* to the Crown, ſo he was no leſs ſolicitous in ſettling the Succeſſion upon the King's eldeſt Son the Earl of *Carrick*, that ſo all Grounds of Diſpute and Competition might be removed, when it ſhould pleaſe God to call the old King to his Mercy. To this Act of Parliament, which bears Date 27th *May* 1371, both Sir *Robert* and his eldeſt Son Sir *Thomas* append their Seals. The Father's is ſtill entire, and may be ſeen by the Curious in the Archives at *Edinburgh*. The King was not now forgetful of Sir *Robert*'s Merit and Services; for in the 4th of *May*, the firſt Year of his Reign, but two Months after his Acceſſion to the Throne, of his Royal Bounty he gave him *viginti libros ſterlingorum de illo annuo reditu nobis debiti ſive exeunte de baronia de Cadiow, in excambium terre de Bondington & annui reditus ſive exeuntis de terris de Weſthal cum pertinen. in baronia de Rathew infra vic. de Edinburgh* (*c*). After that he had a Grant of the third Part of the Revenue accreſſing to the Crown out of the great Cuſtoms of the Burgh of *Dundee*, together with a third Part of the Lands of *Pitcarrach*, then in the Crown, by the Death of *John Campbel* Earl of *Athole*. It would take up much more Room here than I can well allow, to make a full Enumeration of all the Royal Grants Sir *Robert Erskine* had by the Bounty of two ſucceſſive Kings, with whom he enjoyed a great Degree of Favour; that would be no leſs a Task than to tranſcribe a good deal out of the Books, and the Rolls of King *David*, and his Nephew King *Robert*, at leaſt from the 1350, that he came to act upon the Stage of Buſineſs, for upwards of forty Years, till the Decline of his Age, a little before his Death. Sir *Robert Erskine* was a great Patron of the Clergy, and a great Benefactor to the Church; for we find, from authentick Vouchers (*d*), that he gave in pure Alms to the Monaſtry of *Cambuskenneth*, the Patronage of the Church of *Kinoul*, together with the Lands of *Fintallach* in *Strathern*, *pro ſalubritate ſtatus noſtri & Criſtiane Keith ſponſe noſtre dum vixerimus, & pro ſalute animarum noſtrarum cum ab hac luce migraverimus, nec non pro ſalute animarum omnium anteceſſorum & ſucceſſorum noſtrorum, & omnium fidelium defunctorum* (*e*); alſo he gave to the Abbot and Convent of *Arbroath*, upon Condition that he and *Beatrix* his Wife ſhould be admitted and received into all the Privileges of their Brotherhood, *quadraginta denariorum Sterlingorum annuatim pro toto tempore vite ipſorum, & alterius eorum diutius viventi, in re-*

(*a*) Charta in pub. Archiv. (*b*) Winton's Chronicle of Scotland. (*c*) Charta in pub. Archivis. (*d*) Chartulary of Arbroath. (*e*) Chartulary of Cambuskenneth.

cognitionem fraternitatis, ad quem recepti fuerunt in Monaſterio memorato, &c. *In cujus rei teſtimonium ſigilla noſtra patentes*, ſay they, *preſentis literis ſunt appenſa, apud Arbroath undecimo die Decembris*, 1361, whereupon he directs a Precept *Balivo ſuo de Dun*, to pay the foreſaid Annuity to the Monks of *Arbroath*. In the Deed he is deſigned *Robertus Erskine dominus ejuſdem*. After that Sir *Robert* therein deſigned *dominus de Dun* directs another Precept *Thomæ Cant Balivo, & receptori firmarum noſtrarum ibidem*, to pay the ſame Annuity to the Convent of *Arbroath* for the Year 1365 (*a*), and then he reſigns *totam Baroniam de Dun, infra vic. de Forfar*, to Sir *Thomas Erskine* his Son; whereupon King *Robert* II. ratifies the Surrender in the ordinary Form, *dilecto conſanguineo ſuo Thomæ Erskine militi; que terre fuerunt dilecti & fidelis noſtri conſanguinei Roberti de Erskine militis Patris dicte Thomæ*. The Charter, which is to be ſeen in the publick Archives at *Edinburgh*, is dated *November* 8th, 1377. This was the laſt publick Deed I have found Sir *Robert* the Lord Chamberlain concerned in; for being now grown aged, and by reaſon of the innumerable Fatigues he had hitherto ſuſtained in the Service of his Country, it would ſeem he retired from Buſineſs, and the Noiſe of the Court, where he had long made ſo ſplendid a Figure, and betoke himſelf to a Life of more Privacy, that he might the better fit himſelf for another World, to which Death tranſlated him in the End of the Year 1385. We find he had two Wifes, firſt Dame *Beatrix Lindſay*, a Lady of the Family of the *Lindſays* of the Houſe of *Crawfurd*, and again Dame *Chriſtian* Daughter of Sir *John* of *Menteith* Knight, and Widow of Sir *Edward Keith* Lord of *Sinton*, and left Iſſue, Sir *Thomas* Lord of *Erskine* his Succeſſor, who in the Lifetime of his Father was ſtiled *Dominus de Dun* (*b*); Sir *Nicol* his ſecond Son was the firſt of that Branch of the *Erskines* of *Kinoul* in the County of *Perth*, where they ſubſiſted in the Male Line till the Time of King *James* II. that *Chriſtian*, the Daughter and ſole Heir of Sir *John Erskine* of *Kinoul*, was married to Sir *Robert Crichton* of *Sanquhar*; he had likewiſe a Daughter *Mariota*, who was married to Sir *Maurice Drummond* of *Concraig* (*c*), Stewart of *Strathern*.

Thomas Earl of *Mar*

WAS the Son and Heir of *Donald* Earl of *Mar*, who was Governor of *Scotland* in the Minority of King *David* II. by *Iſabel* his Wife, Daughter of Sir *Alexander Stewart* of *Buncle*: He was preferred to the Great Chamberlain's Place in the 1358, in place of Sir *Robert Erskine* (*d*); he continued but ſhort while in the Office, for it was ſoon thereafter, I think, conferred on Dr. *Michael Moniemuſs*. This Earl was a Benefactor to the Chapter of the Epiſcopal See of *Aberdeen*; for I find on the firſt of *November* 1362 (*e*) he gave *Deo & Beatæ Mariæ de Aberdeen, nec non decani & capitullo ejuſdem eccleſiæ jus patronatus eccleſiæ de Kildrumy, in proprios uſus ſuos*, upon Condition that the ſaid Dean and Chapter *de fructibus illius eccleſiæ invenient annuatim unam capellanam idoneum perpetuo divina celebraturum, pro ſalute animæ noſtræ & animarum omnium anteceſſorum & ſucceſſorum noſtrorum*. After this he was one of the Plenipotentiaries who concluded a Truce of fourteen Years between the Kingdoms of *Scotland* and *England* in 1369, which we have ſet down at full length in the Life of Sir *Robert Erskine*. He died without Iſſue in the 1377, and thereupon both his Eſtate and his Honour came to *Margaret* Counteſs of *Douglaſs* his Siſter, whereupon the Earl by Courteſie, as I take it, comes to deſign himſelf *Comes*

(*a*) The Precept is of the Date 24th of July 1365. (*b*) Charta penes Dom. Rob. Sinclair de Lochermakhouſe Baronet. ad annum 1384. (*c*) The Viſcount of Stathallan's Hiſtory of the Drummonds, M. S. (*d*) Charta in pub. Archivis. (*e*) In the Chartulary of the Biſhoprick, M. S.

Comes de Mar as well as Earl of *Douglaſs* (*a*).

Michael Biſhop of *Dunkeld.*

ALTHO' I have not found Biſhop *Moniemuſs*, for that was his Name, deſigned Chamberlain in any Record or Charter; yet upon the Authority of the learned Dr. *Milne*, who was Abbot of *Cambuskenneth*, and Preſident of the College of Juſtice (*b*), I have inſert him in the Liſt of the Great Chamberlains, and placed him at the Time he muſt have been in the Office about the 1364; for my learned Author juſt now mentioned, aſſures us, that he was great Chamberlain when he was promoted to the See of *Dunkeld* that Year; *obiit*, ſays he, *Duncanus epiſcopus Dunkelden, cui ſucceſſit Michael Moniemuſs camerarius Regis David* (*c*). Now it would ſeem he quite the Chamberlain's Place, which was thereupon given a ſecond Time to Sir *Robert Erskine*. The Biſhop died the firſt of *March* 1376 (*d*), and was ſucceeded in the See by Dr. *John Peeblis* Arch Deacon of St. *Andrews*.

Mr. *Walter Biggar* Parſon of *Eroll.*

THERE was anciently a good Family in *Lanarkſhire* of this Sirname ſtiled *Biggar* of *That-ilk*. *Baldwin de Biggris*, I find executed the Office of High Sheriff of that County in the Time of King *William*, and by his Charter gave the Lands of *Kilpeter infra Strathgrief*, *Hugoni de Padvinnan*. *Waldevus de Biggar* was his Son, and then *Robertus filius Waldevi de Biggris* confirms, *Reginaldo filio Hugonis de Padvinnan totum feudum illud quod Hugo pater ejus tenuit de Balduino avo meo & Waldevo patre meo in Strathgrief*, viz. *Kilpeter cum terra illa, quam Bodericus & Arckinbaldus tenuere*; all which is ratified by the Superior, *Walterus filius Allani Hugoni filio Reginaldi, filio Hugonis de Padvinnan* of the foreſaid Lands, *quas Hugo avus ejus*, ſays he, *tenuit de Balduino de Biggris vicecomes Regis, & poſtea de Waldevo filio ejus, & poſtea de Roberto filio Waldevi* (*e*). and another *Nicolaus de Biggar* is Sheriff of *Lanerk* in the 1273 (*f*).

THE Chamberlain likely enough might be a Branch of this Houſe, and being educate to the Church, and taking holy Orders, was made Parſon of *Eroll*, and after that preferred to be Great Chamberlain of *Scotland* in the Room of Sir *Robert Erskine*. In the Year 1368, there is a ſafe Conduct by the King of *England pro Waltero Biggar camerario Scotiæ* to come to *Berwick*, *cum quatuor viginti equites ſociis ſuis, uſque ad feſtum Paſchæ proximæ futurum duraturus* (*g*). King *Robert* upon his Acceſſion to the Crown continued Mr. *Biggar* in the Office; for in the 1375, the Chamberlain *Walterus de Biggar camerarius Scotiæ* has a ſafe Conduct from the Court of *England*, to come to *Berwick* with a Retinue of Sixty Horſemen, *uſque ad feſtum ſancti Petri ad vincula proxime futurum duraturus*. From this Time till the 1378, I have found no other Chamberlain then Mr. *Biggar*; but whether he was removed from the Office by Death, or by his being preferred to ſome higher Dignity in the Church then his Rectory, I dare not be poſitive.

Sir *John Lyon* of *Glamis.*

THIS noble Perſon was the Son and Heir of Sir *John Lyon* Knight, the ſame Gentleman who had a Grant from King *David* II. of the Lands of *Forteviot* and *Forgundenny* in *Perth* Shire, the Lands of *Courtieſtone* and *Drumgovan* in *Aberdeen*

(*a*) Rymer's Fœdera. (*b*) In his Lives of the Biſhops of Dunkeld, which he hath written with great Exactneſs and Integrity, while he was Official of that See, M. S. in the Advocates Library at Edinburgh. (*c*) Ibidem. (*d*) Ibidem. (*e*) Theſe ancient Charters are in the Hands of Sir John Houſton of That-ilk Baronet, Hugo de Padvinnan being clearly his Predeceſſor. (*f*) Chartulary of Kelſo. (*g*) Rymer's Fœdera, Tom. 6. Page 583.

Shire, *propter fortem & fidelem operam ſibi & patri ſuo preſtitam*, as the the Narrative of the Charter bears, which Sir *Patrick Lyon*, the Lord *Carſe*, ſays he ſaw amongſt the Archives of the illuſtrious Family of *Strathmore*.

Sir *John Lyon* the Lord Chamberlain having received a noble Education, betook himſelf to the Court of King *Robert* II. where he ſoon began to be taken Notice of for the Elegancy of his Style, and the Pregnancy of his Parts; inſomuch that His Majeſty was pleaſed to make him his own *Clerk* and *Secretary*. I have found him deſigned *Secretario noſtro* in a Charter of this King's, by which he confirms the Reſignation and Surrender, which *Duncanus Wallys miles & Joannes de Neſbyt participes, & domini baronia de Dalyiell*, as they call themſelves, made of the Lands of *Kydſton* in Favours of Sir *Malcolm Fleeming* of *Biggar*, to which they both append their Seals at *Edinburgh* the 7th of *April* 1372. The Witneſſes are *Venerabilibus in Chriſto patribus Willielmo & Patricio Dei gratia Eccleſiarum ſancti Andreæ & Brechenen Epiſcopos, Dominis Joanne Seneſcallo, primogenito Domini noſtri Regis, predilecto Comite de Carrick & Seneſcallo Scotiæ, Roberto Seneſcallo Comite de Fife & de Menteith filio noſtro, Alexandro & Jacobo de Lindſays militibus, Joanne de Lyone Secretario Domini noſtri regis predicti, & aliis (a)*. About the ſame Time the Secretary had a Grant from the King his Maſter *pro fideli ſervitio ſibi impenſo & impendendo, omnes & ſingulas terras ſuas Thanagii de Glamis jacen. infra vic. de Forfar, in liberam baroniam. Apud Lochfredach in* Strabraune, *decimo octavo die menſis Martii, anno Regni dicti regis ſecundo (b)*. This Charter is again confirmed, 7th of *January* 1374, by *John* Earl of *Carrick*, *Robert* Earl of *Fife*, and *Alexander* Lord *Badenoch*, the King's three Sons, and to which all of them append their Seals. The Narrative of the Confirmation bears, *conſiderantes laudabilia ſervitia & labores quas nobis & quicunq; noſtrum cuilibet impenſis, & quod fideliſſimus ſervitor quoties requiſitus fuerit ſemper exiſtit prout adhuc exiſtit*; they alſo promiſe for themſelves and their Heirs, never to impugn or revoke the ſame to whatſomever State or Dignity it ſhall happen them, or either of them, to come, and to renew the ſame as often as they ſhall be required, conform to their Father's Charter, and to protect him, *dictum Joannem Lyone Clericum Regis* to their Power (c). Soon after this the Secretary was knighted, it ſeems, the better to qualifie him for the Royal Match was intended for him; for now the King, to reward the Merit of his bypaſt Services, was graciouſly pleaſed to beſtow upon him the Lady *Jean* one of his Daughters in Marriage, and gave him as a Portion with her the Barony of *Kinghorn*, *nomine dotis*, as the Charter bears (d). In Commemoration of this Royal Match, Sir *John* got, by the King's ſpecial Conceſſion, the *double Treſſure* ſurrounding the Lion, his own Coat of Arms, and took for his Creſt *a Lady in Buſt*, circled about with *a Garland of Bays*, holding in her *Right Hand* a Thiſtle proper, the Badge of *Scotland*, which is ſtill born in the Atchievment of the Earls of *Strathmore* his lineal Succeſſors.

In the 1378, Sir *John Lyon* the Secretary was preferred to be Great Chamberlain of *Scotland*, upon the Removal of Mr. *Biggar* Rector of *Errol* from the Office (e), and in the 1382 he was ſent Ambaſſador to the Court of *England*, whereupon he obtained Letters of ſafe Conduct for himſelf, and forty Horſemen in his

(a) Charta penes Alexandrum Murray de Cringlety. (b) Charta in pub. Archiv. (c) Charter taken from the Original in the Cuſtody of the Earl of Strathmore, by the Lord Carſe, from whoſe Copy this is taken. (d) Charta penes Comitem de Strathmore. In this Charter the King calls Sir John Lyon chariſſimo filio noſtro, and Camerarius Scotiæ. (e) Ibidem. Indenture inter magnificum virum Joannem Lyon de Glamis militem Camerarium Scotiæ, and Thomas Strachan, anent the Rights of certain Tenements in Perth, 20. January 1378.

his Retinue to come into that Realm. The Paſport was to endure *a feſto Paſchæ proxime futurum, uſque ad feſtum ſancti Michaelis tunc proxime ſequens.* But what ſpecial Commiſſion his Lordſhip had to diſcharge, the Record my Voucher does not mention, and I'll forbear to give my own Conjecture. Soon after the Lord Chamberlain's Return from *England*, he had the Misfortune to fall into a fatal Quarrel with Sir *James Lindſay* the Lord *Crawfurd*, by whom he was kill'd in a Duel at a Place in *Angus*, called the *Moſs* of *Balhall*, in 1383 (*a*). His Death was much regreted by the whole Court, and the King his Father-in-law, we are told, bore it with extraordinary Grief, and for a long Time could never be prevailed with to pardon Sir *James Lindſay*, tho' he was his Nephew by his only Siſter, and before that unhappy Accident his great Favourite. He was by the King's own Direction interred in the Abbey Church of *Scoon*, where his Majeſty intended his own Body ſhould be committed to its Reſt, and where at his Death he was actually interred. The Lord Chamberlain, Sir *John Lyon*, by the Lady *Jean* his Wife, Daughter of King *Robert* II aforeſaid, left a Son behind him, *John* Lord *Glamis*, who being young at his Father's Death, the King his Grandfather took him into his own immediate Care and Protection, not only his own Perſon, but all his Dependents *terras ſuas, homines ſuos*, and his whole Eſtate whether moveable or immoveable *univerſas poſſeſſiones ſuas, omnia bona ſua mobilia ſeu immobilia*, ſtrictly inhibiting and diſcharging any Perſon whatſoever to injure or moleſt him or them, under the higheſt Penalty the Law could inflict (*b*). Of this noble Lord is the Family of *Strathmore* lineally deſcended, as it may be ſeen traced down in the Peerage of *Scotland*, *page* 468, 469, &c.

Robert Duke of *Albany*.

THIS illuſtrious Prince was the third lawful Son of *Robert* II. King of *Scotland*, by the Lady *Elizabeth* his firſt Wife, Daughter of Sir *Adam More* Knight of *Rowallan* (*c*). He was born in the 1339 or thereabout, and educate as became his Royal Birth. I am able to give but a very curſory Account of his Actions, or what he did whilſt his Uncle King *David* lived; but in the general, I may venture to ſay, that toward the End of that Reign he was eminently concerned in ſome, if not all of the moſt important Tranſactions of the Time, and which he diſcharged with wonderful Sufficiency. What Proviſion the Duke had from his Father, I cannot well tell, but he obtained a fair Eſtate, and a Title of Earl by the Marriage of *Margaret* the Heir of *Allan* Earl of *Menteith*, which was the firſt Deſignation I find his Grace did uſe in any Grant or Deed that has paſſed my Hands.

UPON the Acceſſion of the King his Father to the Crown, the Earl of *Menteith* obtained a Reſignation of the Earldom of *Fife*, from *Iſabel* Counteſs and Heireſs of *Fife*, the Widow of his elder Brother the Lord *Walter Stewart*, reſerving to herſelf out of it an Annuity of 145 *L. ſter.* to ſupport her according to her Quality, during her Life. This ſolemn Contract, which I have ſeen, is dated at *Perth* the laſt Day ſave one of the Month of *March*, in the Year of our Lord 1371; whereupon it ſeems the Title of Earl of *Fife*, being thought the more honourable Dignity, he was thenceforth ſtiled *Comes de Fife & de Mentieth* (*d*), till he was raiſed to the Honour of Duke of *Albany*, as we ſhall afterward ſhow.

IN the 1383, the King his Father, who had a very great Opinion of the Earl's Abilities, was pleaſed

(*a*) The Lord Carſe's Genealogical Deſcent of the Houſe of Glamis, made out from the Writs of that noble Family, M. S. penes me. (*b*) Ibidem. (*c*) Hiſtory of the Royal and illuſtrious Family of the Stewarts. (*d*) Charta in publicis Archivis.

to make him Great Chamberlain of *Scotland*, the Office being void by the Death of his Brother-in-law Sir *John Lyon* of *Glamis*, and which he held till the 1408, that he reſigned the Office to his own Son the Earl of *Buchan*. The Beginning of his Father's Reign being entirely peaceable, the Earl had little or no Occaſion of appearing in any publick Foreign Tranſaction till the 1387, that the Truce then expiring with the *Engliſh*, he entered *England* upon the Head of an Army of 3000 Men, accompanied with the Flower of the Nobility and Gentry of the South, penetrated as far as *Cockermouth*, and after having without any conſiderable Oppoſition ravaged *Weſtmoreland* and *Northumberland*, returned to their own Country loaded with the Spoils of the Enemy (*a*). This Heroick Action raiſed the Earl's Reputation very high; inſomuch, that not only the Management of all Affairs Civil and Military were committed to him, but the old valetudinary King his Father was pleaſed ſo far to demit the Exerciſe of his Royal Power, as to tranſmit it to the Lord Chamberlain, and that with Conſent of Parliament, with the Title of Governor of the Kingdom (*b*). That he is poſitively ſo deſigned is plain not only from *Fordun*'s Continuator, but from other Deeds, in the King's Archives, and particularly from the Surrender in Parliament which *Margaret* Counteſs of *Angus* made of her Eſtate in Favours of *George Douglas* her Son, the 29th of *April* 1389, in which the Earl of *Fife* is intitled *Cuſtos Regni Scotiæ* (*c*), and he held the Regency till the Death of the King his Father. When his Brother King *Robert* III. came to the Crown, His Majeſty being ſickly and having a perfect Confidence in the Fidelity and Abilities of his Brother, was pleaſed to continue him the chief Miniſter; but I could never ſee the leaſt Veſtige, as ſome of our Hiſtorians ſay, that he was continued Regent, nor do I find him concerned in any publick Tranſaction in this Reign till the 1398, that the Earl, with his Nephew the Earl of *Carrick* the Prince, Biſhop *Trail* of St. *Andrews*, and Sir *David Lindſay* met at *Haldenſtank*, with the Duke of *Lancaſter*, the Biſhop of St. *Aſaph*, the Earls of *Worceſter* and *Wilts*, Commiſſioners from the King of *England*, and on the 16th of *March* prolonged the Truce betwixt the two Nations till *Michaelmas* 1399. Upon his Return, in Conſideration of this acceptable Piece of Service, as it would appear, the Prince the Earl of *Carrick*, and his Uncle the Lord Chamberlain, were on the 28th Day of *April* this Year both created Dukes; the one Duke of *Rotheſay*, and the other Duke of *Albany* (*d*). But tho' the Duke might have a very great Share in the Adminiſtration at this Time, yet I cannot ſee that he acted otherwiſe, then with all ſeeming Deference to, and Dependence upon the King his Brother: For I have the Charity to believe the Duke is very much wronged by our Hiſtorians, in ſaying, as moſt of them do, that by his Means the Prince was impriſoned in the Caſtle of *Falkland*, and there ſtarved to Death: For, beſides that, they offer nothing to vouch what they ſay, as they ought to have done in a Matter of that Moment. They own themſelves, that upon the Surmiſe of his Guilt, he ſubmitted himſelf to a legal Trial, and was acquit; and moreover, that he cauſed Severals to be executed publickly for being ſuſpected as acceſſory to that foul Murder. For no Author that I know of anterior to *Boethius* relates it in a Manner ſo very injurious to the Memory of the Duke; neither the exact Mr. *Winton*, who lived at the Time, nor the Continuator of *Fordon* aſcribe it to him. And that which is at leaſt a Preſumption of his Innocency, that even

(*a*) Boethius, Major, and our other Hiſtorians (*b*) Fordon. (*c*) Charta penes ducem de Douglas. (*d*) Fordon ad annum 1399. Mr. Hern's Copy, p. 1120.

even at this very Time, and ever afterward, the Duke and the Earl of *Douglas*, who was the Prince's Brother-in-law, lived in the moſt conſtant and uninterrupted Friendſhip imaginable, which is ſcarce to be well ſuppoſed, but that he would have reſented the Murder of the Prince, who, if he had lived to ſurvive his Father, would have raiſed the Earl's Siſter, who was his Wife to the Quality of a Queen. However, I ſhall wave the further Inquiry and Determination of this Point, and ſhall proceed to obſerve, that for all the Duke had done to vindicate himſelf, yet, it would appear, the old timerous King did not want his own Suſpicion, that his Son by his Means had got foul Play, and therefore he thought fit to remove his only remaining Son Prince *James* from Danger, to ſend him over to *France*: But his Royal Highneſs being intercepted in his Paſſage by the *Engliſh*, and detained a Priſoner by King *Henry* VI. The News of the Misfortune did ſo much affect the aged King his Father, that in a few Days he broke his Heart and died *anno* 1405 (*a*). And then it was that the Duke of *Albany* came regularly to be Governor of the Kingdom, the young King his Nephew being a Priſoner at the Court of *England*, as hath been ſaid, and was alſo under Age at the Time. That the Duke was now Regent of *Scotland*, there is no Doubt, ſince in *September* 1405, ſix Months after the Death of the King his Brother, we find him acting as Governor in ſeveral Matters of Importance betwixt this Realm and the Kingdom of *England* (*b*). And even in this exalted Station it appears he was a very dutiful and loyal Subject, as well as an affectionate Uncle; for no ſooner was his Highneſs inveſted in the Regency, then he called a Parliament, which met at *Perth*, where he recognized the Right and Title of his captivated Nephew and Sovereign, tho' he was but a Boy, and a Priſoner at a Foreign Court. It is true indeed, for a while after this, the Governour made but very ſlow Steps toward the Relief of the King; yet from his after Conduct, we ought in Charity to believe it might be more owing to the ill Terms the two Kingdoms ſtood in at the Time, than to any ambitious Project of the Duke's own. Upon the Duke's being advanced to the Helm of Affairs, he of Courſe ratified the old Alliance with *France*, that had been renewed from Time to Time by many Succeſſions of Kings of *France* and *Scotland* (*c*). So that we ſee the learned Mr. *Rymer* is very far out, in ſaying as he does (*d*), that the League with *France* lay dormant from the Time that *Robert* III. died, in 1390, till it was revived by King *James* I. after his Releaſement in 1424, ſince we have ample Proofs it was renewed by both the Dukes of *Albany*, Father and Son. But this by the Way.

THE firſt Attempt that was made by the Governor for the Relief of the King his Nephew, was in the 1406, that a Truce being then prolonged betwixt the two Nations, *Rotheſay* King at Arms was ſent to the Court of *England* to ſolicite the Freedom of the King, or if I am not miſtaken, at leaſt, to enquire under what Pretence of Juſtice or Law he came to be taken in the Time of a Truce. I don't find what Anſwer he received; 'tis probable the Affair was either dropt or put off till another Time. For toward the End of this Year (*e*), the Biſhop of *Aberdeen* the Lord Chancellor, the Biſhop of *Dunkeld*, the Earls of *Crawfurd* and *Mar*, and *William Graham* of *Kincardin*, were ſent to the Borders to prolong the Truce, which they did accordingly, and it was very well kept all the

(*a*) Buchanan. (*b*) Rymer's Fœdera. (*c*) Abercromby. From a very good Voucher, a Copy of the original Treaty it ſelf copied out of the Archives of France by one of the Earls of Winton (*d*) In one of his Letters to Biſhop Nicolſon of Carlyle now of Londonderry relating to Scots Affairs, publiſhed in 1702. (*e*) Rymer's Fœdera Angliæ, Tom. 8. Page 461.

next Year 1407; and it ſeems King *Henry* of *England* was as ſollicitous as the Governor of *Scotland* to avoid any open Breach betwixt the two Nations; and therefore Matters were ſo brought about that the Truce (*a*) was prolonged from *Eaſter* 1408 till *Eaſter* 1409.

THIS laſt Truce no ſooner expired, but they of *Teviotdale* being fond of the long'd for Opportunity, run to Arms, and took the Caſtle of *Jedburgh*, which had been in the Hands of the *Engliſh* ſince the Battle of *Durham*, and was an Eye-ſore to and an Incumberance upon the adjacent Country: The Governor for that Reaſon ordered it to be demoliſhed, which was done accordingly. But tho' the Country was engaged in a War, it was but an unactive one, neither the King of *England* nor the Governor of *Scotland* being inclined to carry it on with Vigour: On the contrary, there appeared a great Tendency to Peace, and a Truce was actually concluded in 1410, by the Plenipotentiaries of *Scotland*, which the Governor ratified by a Letter in *May* to the King of *England* to that Effect (*b*). However King *Henry* had, it ſeems, no great Regard to his Letter; which ſo irritated the Governor, that in the Month of *July* thereafter (*c*), he drew a conſiderable Army together, and threatned to invade *England*, inſomuch that all the Military Tenents in that Kingdom were ordered to take Arms in their own Defence, which yet could not prevent the Loſs of *Faſtcaſtle*, a ſtrong Fortreſs in the *Merſe*, which was taken by *Patrick Dunbar* a Son of the Earl of *March*'s, and in it the Commander of an *Engliſh* Garriſon, one *Thomas Holden* who by his continual Excurſions had for a long Time infeſted the neighbouring Country of *Lothian*. The Governor would, without doubt, have carried on the War againſt *England* with greater Vigour at this Time, if he had not been retarded by the Domeſtick Rebellion of the Lord of the *Iſles*, which now broke out; yet we ſee by his Vigilance and Conduct, he, or which is the ſame Thing his Lieutenants, gained conſiderable Advantages over the Enemy; for it was in this Year 1411, that the Bridge of *Roxburgh* was broken down, and the Town plundered, and ſet on Fire (*d*) by *William Douglas* of *Drumlanrig*, and *Gavin Dunbar* Son to the Earl of *March*. Theſe Succeſſes at length brought on a Ceſſation of Arms, which was followed by a Treaty, which was ſet on Foot between the two Kingdoms, in the End of this and the beginning of the next Year 1412, when a Truce was concluded, and was to laſt till *Eaſter* 1418 (*e*).

THIS Truce ſeems to have been principally deſigned by the Governor, as a Step toward the obtaining the Freedom and Redemption of the King; for in the 1415, he thought fit to ſend no leſs than three ſeveral Embaſſies to the Court of *England*, with Orders to ſolicite the Freedom of the King their Maſter; but theſe Negotiations had no Effect at all; yet for what Reaſon, I confeſs I do not know, the Governor, at leaſt in outward Appearance, had done all that was in his Power, and we ſee no Reaſon to believe but that he was in earneſt, tho' his Endeavours were not attended with that Succeſs that all good Men heartily wiſhed. Much about the ſame Time Sir *Patrick Dunbar* of *Beile*, Sir *William Hay* of *Locherwart*, and Sir *William Borthwick* Knights, were ſent to confirm, renew, or prolong the Truce; for that concluded the laſt Year, was, it ſeems, ſome Way or other defective, for which Reaſon a new one was thought neceſſary, and concluded accordingly both between *Scotland* and *England* (*f*), and *England* and *France* (*g*), but of no longer Continuance then till the firſt of *June* 1414. And now the Truce being at an End, the Go-

(*a*) Rymer's Fœdera Angliæ, Tom. 8. Page 514. (*b*) Ibidem, Page 635. (*c*) Fordon. (*d*) Joannis de Fordun Scoti Chronicon continuatio. (*e*) Fœdera Angliæ, Tom. 8. Page 737. (*f*) Ibidem. Tom. 9. Page 60. (*g*) Ibidem, Page 58.

Governor made a formidable Appearance upon the Borders, insomuch that all *England* took the Alarm, and made haste to prepare against the impending Storm; but King *Henry* being unwilling to break with the *Scots*, brought Matters to a Treaty, by Vertue of which the Earl of *Fife*, the Governor's eldest Son, who had been a Prisoner in *England* ever since the Battle of *Homeldon*, was to be exchanged with *Henry Percy*, Grandson to the Earl of *Northumberland*: But for some Reasons of State which I am ignorant of, after he had actually set out for *Scotland*, was stopt on the Road, and recalled. The Governour about this Time having certain Intelligence that King *Henry* of *England* had amind to make War with *France*, to divert him from that Enterprize, raised an Army of threescore thouland Men, and threatned to besiege *Berwick* by Sea and Land (*a*). Whether he did it or not, I cannot tell, but 'tis certain, that, besides the Land Army, he had a great Fleet (*b*), several Pieces of Cannon, and other Warlike Engines prepared for that important Service. But his Project did not succeed, because King *Henry*, before his Departure for *France*, had taken such Measures as did effectually defeat it; so that nothing memorable was done this Campaign within the Island, save that *Penrith* in *England* was burnt by the *Scots* (*c*), and *Drumfries* in *Scotland* by the *English*. This Brush being over, King *Henry*, to shew how inclinable he still was to keep a good Correspondence with the Governor of *Scotland*, ordered the Agreement concerning the Earls of *Fife* and *Northumberland*, which had been hitherto ineffectual, to be executed, and these two noble Lords were accordingly exchanged for one another in the Beginning of the Year 1416. At this Time the former Truces being renewed betwixt *France* and *England*, and their respective Allies (*d*), a Treaty was now again set on Foot by the Governor for relieving the King. It proceeded so far that the King of *England* consented to his coming to *Scotland* (*e*), provided that he should return by a certain Time, or pay the Sum of 100000 Merks *Sterling*, and give Hostages for Performance. The Commissioners sent to *England* to compleat the Treaty, were *Walter* Earl of *Athole*, the Governor's youngest Brother, *Murdack* Earl of *Fife*, *John* Earl of *Buchan*, two of the Dukes own Sons, the Bishops of St. *Andrews* and *Glasgow*, the Earls of *Mar*, *Douglas*, and *Crawfurd*, *George Dunbar* Son and Heir to the Earl of *March*, and Sir *William Graham* Knight, every one of whom had a safe Conduct granted to himself, and to a Retinue of forty Persons by the King of *England*, and Sir *William Douglas* of *Drumlanrig*, whose Retinue consisted but of Twelve. It is not to be doubted, but that these great Men did all they could, but they could by no Means bring that grand Affair to a happy Close; and the Reason, its likely, was, that the Emperor, who had hitherto pretended to mediate a Peace betwixt *England* and *France*, did now declare himself for the latter, and entered into a League offensive and defensive with that Crown. The *French* King being mightily encouraged by so great an Accession of Strength, resolved to renew the War, which he thought would be so much the more easily managed, if the King of *Scots* was still detained in *England*, and his Subjects thereby awed into a Sort of Neutrality. But he was mistaken, for he no sooner crossed the Seas in order to his second Expedition against *France*, but the Governor, as he had done before, took Arms, and sat down before the Castle of *Roxburgh*, where, says an Author of very good Credit (*f*), he gained a great Victory over the *English*; then he passed the Borders on the Head of his Army, and was inclinable to penetrate much further into the Enemies Country,

(*a*) Fœdera Angliæ. (*b*) Ibidem. (*c*) Scotichronicon. (*d*) Fœdera Angliæ, Tom. 9. Page 358. (*e*) Ibidem, Page 417. (*f*) Fordon's Continuator.

had he not been prevailed with by the Earls of *March* and *Douglas* to retreat. Short Truces after this were agreed to from Time to Time betwixt King *Henry* and the Governor of *Scotland*; ſo that nothing memorable with reſpect to the War happened on either Side for a Year and more.

BUT if the Governour was not ſo active in carrying on the War at Home, as he had been before, he made a full Amends for that, by the Service he did to his Allies Abroad, the *French*; for the Dauphine at this Time, *anno* 1419, being almoſt reduced to Deſpair, and in a great Meaſure overpowered by Domeſtick Fraud, had Recourſe to the Government and Eſtates of *Scotland* for their Aſſiſtance. Accordingly the Governor with all Expedition raiſed a Body of 7000 Men, and gave the Command of them in Chief to his own Son the Earl of *Buchan*: They afterward did Wonders in the Service of that Crown, as ſhall be related more at large in the General's own Life. This was the laſt memorable Action of the Governour's Life; for being worn out, not with Sickneſs, but venerable old Age, and honourable Toils, he died in the Caſtle of *Stirling* on the third of *September* 1419, being upwards of fourſcore (*a*). He was royally interred in the Abbey Church of *Dumfermling* betwixt the *Choir* and the Chapel of the Bleſſed Virgin, with this Epitaph upon him, wherein the Author extols him for his Courage, Juſtice, Piety, and Prudence, to the very Skies.

Jura tuens. & pacis amans, & maximus armis,
Robertus *primus, dux in* Albania *ſummus:*
Gratia naturæ ſpeculum, quo vera reſulſit
Juſtitia, & quicquid in principe mundus adorat,
Occidit & pariter decus & pax. Scotia totus
Excidit Robertus, *cuſtode rebus adempto,*
Anno milleno quater C. X que noveno.
Ejuſdem flamen cum Chriſto gaudeat. Amen.

BEFORE I have done with this great Duke, with the Readers good leave, I ſhall ſet down his Marriages, and the Iſſue he had by both his Wives, and this I preſume may be the more acceptable, that moſt of the Nobility, and many of the Gentry in the Kingdom, will have the Honour to ſee themſelves ſome one Way or other deſcended from him, and by Conſequence to have Royal Blood running in their Veins. His firſt Wife was *Margaret*, Grandchild and ſole Heir of *Allan* Earl of *Menteith*, by whom he had *Murdack* Earl of *Fife* his eldeſt Son, who ſucceeded him in the Government of the Kingdom, and in the Title of Duke of *Albany*; Sir *Andrew Stewart* (*b*) who died without Iſſue; alſo five Daughters.

I. *Iſabel* who was married firſt to *Alexander Leſly* Earl of *Roſs*; and being left a Widow by him, ſhe married again Sir *Walter Halyburton* Knight Lord of *Dirleton*, and had Iſſue.

II. *Beatrix* to Sir *James Douglas* Lord of *Balveny*, who was afterward raiſed to the Honour of Earl of *Evandale* by King *James* I. (*c*); and at length in Right of his own Birth, became Earl of *Douglas* by the Death of his Nephew in the 1441.

III. *Marjory* to Sir *Duncan Campbel* of *Lochow* (*d*), the firſt Lord *Campbel* of the illuſtrious Houſe of *Argyle*, and had Iſſue.

IV. *Elizabeth* to Sir *Malcolm Fleeming* Lord of *Biggar*, Anceſtor to the preſent Earl of *Wigton* (*e*), and had Iſſue.

V. . . . . to Sir *Robert Stewart* of *Innermeath* Lord of *Lorn* (*f*), and had Iſſue.

THE Duke married to his ſecond Wife *Maurielle*, Daughter of Sir *William Keith* Lord of *Keith*, and Mariſhal of *Scotland* (*g*), by whom he had two Sons; the brave and heroick *John* Earl of *Buchan*, and Sir *Robert*

(*a*) Joannis de Fordun Scoti Chronici continuatio. Anno Dom. 1419, obiit, Robertus dux Albaniæ octogenarius & ultra Mr. Hern's Copy, Page 1229. (*b*) Charta penes Comitem de Wigton ad annum 1413. (*c*) Fœdera Angliæ, and our own Archives in the publick Regiſters kept at Edinburgh. (*d*) Charta penes ducem de Argyle. (*e*) Charta penes Comitem de Wigton. (*f*) Chartæ in pub. Archivis. (*g*) Ibidem.

Robert Stewart Knight, who went over to *France* with the *Scots* Auxiliaries before mentioned, *anno* 1419, and there loſt his Life at the Battle of *Vernoil*, having no Iſſue to tranſmit his Name and Memory to Poſterity.

John Earl of *Buchan*.

THIS Heroick Earl was the eldeſt Son of *Robert* Duke of *Albany*, by Dame *Maurielle Keith* his ſecond Wife, Daughter of Sir *William Keith* Mariſhal of *Scotland*. His Birth I have ſeen placed in the 1380, which ſeems to be pretty exact, and his Education was no Doubt the beſt the Country could afford. From his Youth he was bred to Arms, and in that Profeſſion he made a very noble Figure in the after Part of his Life. While he was but young, the Duke his Father gave him, in Patrimony as a younger Brother, the Lands of the Lordſhip of *Coul*, whereupon I find him deſigned *Dominus de Coule* (*a*), in 1406; and the ſame Year, together with *Archibald Douglas*, eldeſt Son to the Earl of *Douglas*, *James Douglas* the Earl's Brother, *William Douglas* of *Nithſdale*, he was named one of the Hoſtages that were to go to *England* for the Ranſom of the Earl of *Douglas*, who had remained a Priſoner there, ſince the Battle of *Shrewsberry* in 1401; but for what Reaſon I know not, they went not up as was expected, and therefore the Treaty had no Effect (*b*). When the Duke his Father came to the Regency, he was pleaſed to make the Lord *John* his Son Lord of *Buchan* (*c*), and to reſign the Great Chamberlain's Place to him. The Letters patent for that Purpoſe under the Great Seal, I preſume may not be unacceptable to the Curious, and therefore I have ſet them down here as follows.

Robertus dux Albanie, Comes de Fife & Mentieth, ac Gubernator Regni Scotie, omnibus probis hominibus regni predicti, ad quas preſentes litere pervenerint, ſalutem.

Sciatis quod conceſſimus cariſſimo filio noſtro, Joanni Seneſcallo domino de Buchan, officium Camerarii Scotie, ubiq; infra regnum, ac etiam licentiam quod poſſit ſubſtituere, unum idoneum deputatum, loco ſui indicto officio, pro quo voluerit reſpondere; tenend. & habend. predictum officium Camerarii predicto Joanni, pro toto tempore vite ſue, cum omnibus & ſingulis libertatibus, commoditatibus, & aiamentis, ac juſtis pertinentiis quibuscunq; quomodolibet in futurum, una cum tricentis marcis annuatim, pro feudo ad dictum officium antiquitus annexo, adeo libere & quiete, plenarie, integre, honorifice, bene & in pace, in omnibus & per omnia, ſicut nos dictum officium, ex donatione domini progenitoris noſtri, domini Roberti Regis Scotorum, illuſtris vel aliqui Camerarii Scotie, aliquo tempore tranſacto liberius, quietius, plenius aut honorificentius, illud officium habuimus vel habuerunt, &c. In cujus rei teſtimonium, preſentibus literis noſtris, penes predictum Joannem filium noſtrum, pro toto tempore vite ſue remanſurum, ſigillum officii noſtri apponi precipimus, apud Perth Duodecimo menſis Martii, anno domini mileſſimo quadringenteſſimo ſexto, & Gubernationis noſtre anno primo (*d*).

UNDER the ſame Title of *Dominus de Buchan*, the Lord *John Stewart* had a Grant from his Grandfather Sir *William Keith* Mariſhal of *Scotland*, and Dame *Margaret Fraſer* his Grandmother, of the Lands of *Touch*, and the Sheriffſhip of *Stirling* Shire, and to the Heirs lawfully to be procreated of his Body, which failing, to the Heirs of the Lord *Robert Stewart* his Brother-german;

(*a*) Charta in pub. Archiv. (*b*) Fœderæ Anglia, Tom. viii. p. 429. (*c*) Charta in Rotulis Reti ducis Albaniæ. (*d*) Ibid.

and theſe failing, to return to the Granter and his Heirs whatſomever (*a*). In the 1408, the Duke Regent his Father, the more to aggrandize his Son, was pleaſed to raiſe him to the Honour of Earl of *Buchan* (*b*); and having prevailed with the young Counteſs of *Roſs*, who was a deformed Girl, and had rendered herſelf religious, to reſign her Eſtate in his Favours, he was thereupon ſtiled *Comes de Roſs & de Buchan*; but that firſt Title he afterward dropt, *Donald* Lord of the *Iſles* laying Claim both to that Honour and the Eſtate that accompanied it, and in Purſuance of his Right fought the Battle of *Hairlaw*. The ſame Year the Lord *John Stewart*, as Earl of *Buchan*, was named to go to *England* as one of the Hoſtages for the Ranſom of his Brother the Earl of *Fife* (*c*), his Lordſhip and the reſt of the Hoſtages having obtained a ſafe Conduct for that Effect; yet the Project failed. The next remarkable Thing the Duke did for the Earl of *Buchan* his Son, that I find, was, that in the 1413 he took Care to provide him in a Wife, the Lady *Elizabeth Douglas*, Daughter of *Archibald* 4th Earl of *Douglas*, and by Contract (*d*) he had a fair Fortune in Land provided for any Iſſue he ſhould have; but thro' what Defect I know not, no Part of it that I ſee came to his only Daughter the Lady *Seaton*. Soon after this a Treaty being again ſet on Foot with the *Engliſh* for the Ranſom of the Earl of *Fife*, his Brother the Earl of *Buchan* was appointed one of the Hoſtages to go to *England* in his Room; but that Negotiation prov'd fruitleſs as another of the ſame Nature had done before.

In the 1416, the Governor having at this Time ſet on Foot a Treaty for relieving the King, who had been now upwards of ten Years a Priſoner in *England*, ſent the Earl of *Buchan* his Son, and ſeveral other noble Lords and Prelates to complete the Treaty. But tho' they made ſome Steps toward an Agreement, yet they could by no Means bring that Affair to any Cloſe, tho' without Doubt this noble Lord and his Colleagues did all was in their Power to effect it.

In the Year 1419, when the Governor had raiſed an Army of 7000 Men, to be ſent over to *France* to the Aſſiſtance of the Dauphine againſt the *Engliſh*, he gave the Command of them in Chief to the Earl of *Buchan* his Son, who was nobly aſſiſted by his Brother Sir *Robert Stewart*, *Archibald* Earl of *Wigton*, Son to the Earl of *Douglas*, and Sir *Alexander Lindſay*, Brother to the Earl of *Crawford*, all Gentlemen of great Reputation and Honour. Theſe Auxiliaries landed at *Rochelle* the ſame Year to the inexpreſſible Satisfaction of the Dauphine, and did him ſo great Service in the Proſecution of the War, that a very exact *French* Author (*e*) owns, they enabled him not only to keep ſeveral Provinces that had otherwiſe fallen off from his Obedience, but alſo to make Head againſt the united Forces, both of the *Engliſh* and *Burgundians*. It was alſo chiefly owing to the Valour of the *Scots* Auxiliaries, under the Conduct of their brave General the Earl of *Buchan*, that the *French* gave the *Engliſh* a ſignal Overthrow at *Bauge*, where they loſt a great many Perſons of the firſt Quality, and amongſt the reſt King *Henry*'s Brother the Duke of *Clarence*, whom, ſome ſay, the young Laird of *Buchanan* killed with his own Hand. This Victory was ſo vexatious to King *Henry*, that as ſoon as he arrived from *France* he promiſed not only Freedom, but other

(*a*) Charta in Rotulis Roberti ducis Albaniæ. This Charter wherein Sir William Keith deſigns the Earl of Buchan chariſſimo nepoti ſuo, is dated the 13th of May 1407. (*b*) Charta in pub. Arch. ad annum 1408. (*c*) Rymer's Fœdera Angliæ, ad annum 1408. (*d*) Charta in pub. Archiv. (*e*) Traitez d' entre les Roys de Fra. & de Angl. p. 323, cited by Dr. Abercromby in his Martial Atchievements of the Scots Nations, p. 254.

ther great Rewards to King *James* of *Scotland* who was his Priſoner (*a*), if he would iſſue out his Orders commanding all his Subjects in *France*, to repair to his Standard upon Pain of being declared Rebels to their lawful Sovereign. But King *James* would by no Means comply with that Requeſt, alledging, what was true, that his Subjects would have no Regard to his Orders while he was a Priſoner, and by Conſequence thought to be acted by the Will of another, and not of his own. Soon after the Victory at *Bauge*, the Dauphine, now *Charles* VII. thought it but juſt to countenance, and reward the ſingular Merit of the *Scots* General the Earl of *Buchan*, ſo far as to beſtow ſome ſpecial diſtinguiſhing Mark of Honour upon him, and thereupon he was made Conſtable of *France*, which was the higheſt Dignity could be conferred upon him. The Affairs of King *Charles* having now taken ſuch a happy Turn, he permitted the Earl of *Buchan* return to *Scotland*, in order to [illegible] Recruits, and by his Preſence the more to cement the Friendſhip of the two Nations. The Governor of *Scotland*, *Murdack* Duke of *Albany*, was ſo well pleaſed with the Return of his Heroick Brother, that he reſolved not only to grant his Requeſt, but alſo to expreſs his Regard to the King and Kingdom of *France*, invaded *England* by two diſtinct Armies, but neither of them had Succeſs. How long the Earl remained in *Scotland*, I cannot well tell, but I think it was till toward the End of the 1423; for then I find him granting Charters to his Vaſſals, wherein he deſigns himſelf, *Comes de Buchan Conſtabularius Franciæ & Camerarius Scotiæ* (*b*). In the Month of *October* this Year, at the Inſtances of the Conſtable, the Governor of *Scotland*, with his eldeſt Son, and generally all the great Men, Prelates and Barons within the Kingdom, took an Oath in Preſence of the *French* Ambaſſadors, and obliged themſelves in Writing to preſerve the old League inviolably, to aſſiſt King *Charles* both againſt the *Engliſh* and all his other Enemies whatſoever, and never to conclude ſo much as a Truce with them without his Conſent; and they undertook for their King, that how ſoon he ſhould be freed from his Captivity, he ſhould ratifie and make good all theſe Engagements. The Lord Chamberlain having done all the Service to the Crown of *France* he could, returned thither in the Beginning of the Year 1424, and carried along with him a Reinforcement of 5000 Men, who afterward fought bravely, tho' unſucceſsfully againſt the ſtill prevailing *Engliſh*, firſt at *Crevant* and again at *Vernoil*, where the *French* were defeated by the Duke of *Bedford* on the 18th of *Auguſt* 1425, very unluckily for their Allies the *Scots*, for they there loſt their brave General the Earl of *Buchan*, the Earl of *Douglas*, who for his great Deſerts had been made Duke of *Tourin*, Sir *James Douglas* his Son, Sir *Alexander Lindſay*, Sir *Robert Stewart*, Sir *Thomas Swinton*, and, as Mr. *Buchanan* ſays, above 2000 common Soldiers (*c*). The Lord Chamberlain and his Father-in-law the Earl of *Douglas*, were both ſolemnly interred in the Abbey Church of St. *Gratians* belonging to the *Canons* Regular at *Tours* (*d*), where I ſhall leave both the Heroes to their Reſt, how ſoon I have ſet down theſe Verſes, which the learned Dr. *Johnſton* has beſtowed upon them for their wanting of a Tomb.

Gallia vos titulis; vos gallica regna trophæis
Auxiſtis, meritis utraque regna cluunt,
Tertia ſi invideant, quid miram ingentia damna
Queis data, Saxonidum dum cecidere duces,
Deſine lingua procax verbis inceſſere teſtis:
Gallus adeſt, ſervat tot monumenta ducum,
Et vos æternum memorabit Gallia cives
Grata ſuos titulos quæ dedit, & tumulos.

Engliſhed by Mr. *David Hume* (*e*).

France gave you Titles, you it Trophies gave;
Both Kingdoms, mutual Obligation have:

(*a*) Holingſhed, p. 375. (*b*) Charta penes me. (*c*) Buchan. rerum Scoticarum Hiſt. (*d*) Fordon's Scoti Chronicon continuatio, Mr. Hern's Copy, Page 1222. (*e*) I mean the learned Mr. Hume of Godſcroft, in his Hiſtory of the Douglaſes.

If the third envi'd it, their loſs receiv'd
Might well excuſe them, being oft bereav'd
Of their moſt ancient Leaders: no bold tongue
By baſe Detraction can have power to wrong
Your merit, and the *French* will witneſs bear,
To whom your Memory ſhall ſtill be dear:
Their graceful Monuments the ſame expreſs,
As do the places you did there poſſeſs.

Sir *John Forreſter* of *Corſtorphine*.

He was the Son and Heir of Sir *Adam Forreſter* of *Corſtorphine*, Lord Keeper of the Great Seal in the End of the Reign of *Robert* II. and in the beginning of the ſucceeding Reign of King *Robert* III. (*a*), by Dame *Margaret Forreſter* his Wife, who is a joint Donator with her Husband in ſeveral Donations in the Chapel of St. *John* the Baptiſt, contiguous and adjoining to the Pariſh Church of *Corſtorphine*.

Sir *John* ſeems to have been bred about the Court, where his Father held a great Office, and was early engaged in Buſineſs; for we find that ſoon after *Murdack* Duke of *Albany* ſucceeded to his Father in the Government, he was preferred to be Lord Keeper of the Great Seal (*b*), and the ſame Year, the ſecond of the Duke's Adminiſtration, he was one of the Commiſſioners ſent to *England* to treat about the King's Relief, which at length became ſucceſsful, and happily terminated in his Freedom (*c*). And it being thought it ſeems neceſſary to make a Truce at the ſame Time; that was concluded for ſeven Years alſo, Sir *John Forreſter* being named one of the Conſervators of it on the Part of *Scotland* (*d*).

King *James* being now happily releaſed, he thought fit to give ſome Teſtimony of his Gratitude to ſuch as had been moſt dutiful during his Abſence, and Sir *John Forreſter* having contributed all he could to bring about his Freedom, he was thereupon graciouſly pleaſed to make him Maſter of the Houſhold *Magiſter Hoſpitii* (*e*), an Office which commenced in *Scotland* at this Time, of which we have not before any Veſtige.

Sir *John Forreſter* after this growing daily more and more in Favour, he was, in the 1425, conſtituted Great Chamberlain of *Scotland* upon the Death of the Earl of *Buchan* (*f*), and the ſame Year he was one of thoſe, who were upon the Jury of the Duke of *Albany* and his Sons (*g*), and by whom they were found guilty of High Treaſon: But for what Crime, as no Author relates, ſo I cannot determine. Much about this Time, or a little after, he founded a Chaplainry, as they were called, at the Altar of St. *Ninian*, in the Church of St. *Giles* at *Edinburgh*, appointing Divine Service to be daily offered there, for the healthful Eſtate of his Sovereign Lord King *James*, his Royal Conſort Queen *Jean*, the Salvation of the Soul of the deceaſed Sir *Adam Forreſter* of *Corſtorphine* Knight his Father, *Margaret* his Mother, his Anceſtors and Succeſſors for ever, *& omnium fidelium defunctorum*, appointing for his Maintenance an Annuity of ſix Pound thirteen Shilling and four Pennies to be uplifted out of certain Tenements of his own, within the Town of *Edinburgh* (*h*), out of that Lane which was from him, who was the great Proprietor there, called *Forreſter's-Wynd*: He alſo founded three Chaplainries *in capella Beati Joannis Baptiſti, contigua Eccleſiæ Parochialis de Corſtorphine*, which he afterward turned into a Collegiate Church, *anno* 1429. But of his Donations to the Church, I will not further enlarge.

I may here take Notice, that in the 1431, the ſeven Years Truce concluded with *England*, when the King was freed from his Captivity, being now expir-

(*a*) Several Charters in the Publick Archives, wherein he is deſigned Cuſtos Magni Sigilli in 1389, 1390, &c. (*b*) Charta penes Ducem de Douglas, in a Confirmation by the Duke Regent to Chriſtian Ramſay, of certain Lands given him by the Earl of Douglas in the 1421. (*c*) Fœdera Angliæ. (*d*) Ibidem. (*e*) Writs in the Publick Records in 1424. (*f*) Ibidem ad annum 1425. (*g*) Fordun's Continuator. (*h*) Charta in Rotulis Jacobi Primi.

expired, it was thought neceſſary it ſhould be prolonged; and therefore Sir *John Forreſter* the Lord Chamberlain, and three other Plenipotentiaries met the *Engliſh* Commiſſioners named for the ſame Purpoſe, and on the firſt of *May*, agreed to the Prorogation of the Truce till the firſt of *May* 1436 (*a*), his Lordſhip being alſo one of the Conſervators of it on the Part of *Scotland*. It was a little before this Sir *John* parted with the Place of Maſter of the Houſhold, which was thereupon given to Sir *Walter Ogilvy* of *Lintrethan*. He held the Chamberlain's Place all the Reign of King *James* I. and was continued in it by thoſe who had the chief Direction of Affairs in the Minority of King *James* II. In the firſt Year of that Reign, *anno* 1437, the Lord Chamberlain was, with the Lord *Gordon*, the Lord *Montgomery*, Mr. *Methven* the Secretary, and one Mr. *Vaus*, ſent to *England* to treat about a new Truce; the Plenipotentiaries of both Kingdoms met at *London*, and notwithſtanding that the two Nations were in open War when the late King died, yet the Truce was renewed on the laſt of *March* 1438, and was to laſt full nine Years, from the firſt of *May* thereafter till the firſt of *May* 1447 (*b*): But he did not ſee the End of it, for he was taken away by Death in the 1440. He was buried in the *Choir* of the Collegiate Church of *Corſtorphine*, on the North Side of the Wall, under an Arch of Free-Stone, with his Statue in Armour as big as the Life, and his Wife lying beſide him, habited in the Dreſs of the Times; but which of his two Ladies cannot be ſo well known, ſince upon the Tomb both their Coats of Arms are placed on each Side of his own. I could make out no Inſcription; if there has been any, it is either worn out thro' Time, or has been defaced as Superſtitious ſince the Reformation.

The Lord Chamberlain married firſt Dame *Jean Saintclair*, Daughter of *Henry* I. Earl of *Orkney* (*c*), by whom he had Sir *John Forreſter* of *Corſtorphine* the Heir of his Family (*d*). *Henry Forreſter* who I have found deſigned of *Libertoun*, and two Daughters; *Janet* married to Sir *Robert Maxwell*, at that Time Son and Heir apparent of *Herbert* Lord *Maxwell* of *Carleverock* (*e*), and *Elizabeth* to Sir *Alexander Lauder* of *Halton* (*f*) Knight. His ſecond Wife was Dame *Marion Stewart*, Lady *Dalſwintoun*, Widow of Sir *John Stewart* Knight (*g*); but ſo far as I ſee by her he had no Iſſue.

Sir *James Crichton* of *Frendraught*

Was the eldeſt Son of *William* Lord *Crichton*, Lord High Chancellor of *Scotland* in the Reign of King *James* II. by Dame *Agnes* his Wife; but of what Sirname I cannot tell, ſince the Record my Voucher is ſilent about it. Being a young Nobleman of Parts and Reputation, he was knighted at the Solemnity of the Chriſtening of the Prince King *James* II. *anno* 1430 (*h*), and ſtanding in a high Degree of Favour at Court, he obtained by the Bounty of the King the Marriage of *Janeta*, the eldeſt Daughter and Coheir of *James* the laſt of the Race of the *Dunbars*, Earl of *Murray*, and got with her the Barony of *Frendraught*, from whence he took his Title in the Lifetime of his Father: Under this Deſignation of *Dominus de Frendraught* he was preferred to be great Chamberlain of *Scotland*, by his Father's Intereſt when he was the firſt Miniſter, *anno* 1440, on the Death of Sir *John Forreſter* (*i*), and he held the Office till the End of the 1453 (*k*) he was removed, and the Lord *Livingſton* made Chamberlain. He died in or about the 1469; for

(*a*) Fœdera Angliæ, Tom. xi. Page 482, 483, &c. (*b*) Ibidem. (*c*) Charta in pub. Archivis, ad annum 1424. (*d*) Peerage of Scotland, Page 148, &c. where the Line and Deſcent of the Family of Forreſter is deduced from the Lord Chamberlain to the preſent Lord Forreſter. (*e*) Charter in the publick Records. (*f*) Ibidem. (*g*) Excerpts from the Chartulary of the Epiſcopal See of Glaſgow, penes me. (*h*) Fordon's Continuator from Mr Hern's printed Copy. (*i*) Charta in Rotulis Jacobi II. ad annum 1440. (*k*) Ibidem ad annum 1453.

then I find *William* Lord *Crichton* his Son the Head of the Family *(a)*. He was afterward forfeited, not upon a private Picque, as Mr. *Buchanan* relates, but by a fair and legal Trial in open Parliament, 24th of *February*, *anno* 1483 *(b)*, for *fuffing*, that is fortifying or putting his Houſe of *Crichton* in a Poſture of Defence in Behalf of the Duke of *Albany*, againſt King *James* III.

James Lord *Livingſton*.

THE Lord *Livingſton*, the Lord Chamberlain, was the eldeſt Son of Sir *Alexander Livingſton* Knight, Lord of *Callendar*, who was Juſticiary of *Scotland*, and Governor to King *James* II. by . . . . his Wife, Daughter of . . . . *Dundas* of *Thatilk* *(c)*. Being bred at the Court with King *James* II. while his Father was the King's Governor, he came quickly into great Favour and Confidence, not only with that Prince, but with the Regency, who had the Direction of Affairs during his Minority, inſomuch that he was pitched on to command the Caſtle of *Stirling*, where the young King reſided; which was a Truſt they would have conferred on no Man in whom they had not placed the moſt unſuſpected Confidence *(d)*. Upon the Change of the Miniſtry in 1449, tho' Matters were carried pretty far againſt his Father Sir *Alexander*, yet I do not find him much ſtruck at. It is very likely he had been obliging to the young King when he had the *Keeping of his Perſon*, and upon that Account was overlook'd. But if he ever was under a Cloud, it was ſoon diſpelled, for quickly after that we find him in great Favour, and upon the Fall of the Lord *Crichton*'s Faction in 1452, he was raiſed to be a Peer, by the Title of Lord *Livingſton* *(e)*, and made Maſter of the Houſhold in Place of the Lord *Gray* *(f)*; and continuing to be what he was before, the next enſuing Year was conſtituted Great Chamberlain of *Scotland*, upon the Removal of Sir *James Crichton* of *Frendraught* (*g*), which Office he held till the Death of the King, *anno* 1460.

HOW ſoon the Government was ſettled, and the Regency named in the Minority of King *James* III. the Lord *Livingſton* was again made Chamberlain, and in the 1462 was one of the Commiſſioners ſent to *York* to treat with the *Engliſh* about a Truce betwixt the two Nations *(h)*, which was agreed to. The Conditions are to be ſeen in the Life of *Colin* Earl of *Argyle* in the former Part of this Work, and I ſhall not repeat them here. Again, in the 1465, the Lord Chamberlain was, with ſeveral Prelates and other Lords and Barons, ſent to *England* (*i*) with full Power to redreſs all Attempts had been made upon the Truce by the Subjects of either Nations, and at the ſame Time to prolong it; which they did till the laſt of *October* 1519 (*k*), much longer Time than it was like to be well obſerved by two Nations ſo warlike, and ſo diſinclined, as they were at that Time, to one another. I have met with nothing after this memorable concerning the Lord Chamberlain, but what related to the Diſcharge of his Office in Courſe; ſo that I ſhall con-

(*a*) Chartulary of the Abbacy of Dunfermling in the Advocates Library. (*b*) Records of Parliament in the publick Archives, where the Curious may ſee the whole Trial at large. (*c*) Genealogy of the Houſe of Livingſton, and other Documents I have ſeen. (*d*) In a Charter I have ſeen in the Hands of Lindſay of Dovehill to David Lindſay primogenito Joannis Lindſay de Crambeth, 3d June 1447. The Witneſſes are William Turnbull Privy Seal, John Railſton Secretary, Ja. Livingſton Captain of the Caſtle of Stirling. In another Charter under the Great Seal to Eſplin Crawfurd of Kerſs, James Livingſton is deſigned both Captain of Stirling Caſtle and Keeper of the King's Perſon. (*e*) Charta in pub. Archivis. (*f*) Ibidem. (*g*) Ibidem. (*h*) Fœdera Angliæ. (*i*) Ibidem. (*k*) King James's Commiſſion to the Ambaſſadors of Scotland, viz. Biſhop Muirhead of Glaſgow, Biſhop Spence of Aberdeen, Abbot Crawfurd of Holyroodhouſe, Mr. Lindſay the Provoſt of Lincluden, the Earls of Crawfurd and Argyle, the Lord Livingſton the Lord Chamberlain, and Alexander Boyd of Duncow, bears Date at Down in Mentieth, 28th of November 1465, and may be ſeen in the Foedera Angliæ, Tom. xi. p. 549.

conclude all I have to say more of him, by taking Notice that he held the Chamberlain's Place without any Interruption henceforth for the Space of twelve Years even to his Death, in the 1467. Who was the Lady *Livingston* the Lord Chamberlain's Wife, I have never seen any Document or Voucher I could well trust to; but there are ample Proofs, that he left lawful Issue behind him, *viz.* *James* Lord *Livingston* the next Lord in his illustrious Family, *Alexander* a younger Son, and a Daughter *Elizabeth*, who was married to *John* Lord of the *Isles*, and Earl of *Ross*.

Robert Lord *Boyd*.

In the Peerage of *Scotland* I have given a distinct Account of the Origin, Antiquity, Descent and Alliances of the *Boyds*, and of the Actions, Employments and Preferments of that noble Family, according to such Vouchers as I had then in my Hands; and therefore shall not repeat any Thing that is said there higher up than Sir *Thomas Boyd* Lord of *Kilmarnock* the Lord Chamberlain's Father, who was slain in a Feud with the House of *Darnly*, by Sir *Alexander Stewart* on the 9th of *July* 1439 (*a*), leaving his Son Sir *Robert* to succeed him in his Estate and Honour, being then but young; but what his Age might be I cannot tell.

How or where he past the first Years of his Age is uncertain; but being a Gentleman of a fair Fortune, and of very good Parts, he came to make a considerable Figure toward the End of the Reign of *James* II. by whose Favour he was raised to be a hereditary Peer by the Title of Lord *Boyd*; and after that in the 1459, his Lordship was with divers Prelates, Lords and Barons sent to *Newcastle* with the Character of Plenipotentiaries to prolong the Truce with *England*, which they did till the 8th of *July* 1468 (*b*). The Terms and Conservators of it may be seen in Mr. *Rymer*'s Collections, *Tom* xi. *Page* 426, 427, &c.

Upon the lamentable Death of King *James* III. *anno* 1460 the Lord *Boyd* by Reason of his great Power and Abilities was made Justiciary (*c*), and named one of the Lords of the Regency in whose Hands the Administration of Affairs were lodged during the Minority of the young King (*d*). His Colleagues were Bishop *Kennedy* of St. *Andrews*, Bishop *Muirhead* of *Glasgow*, Bishop *Raulston* of *Dunkeld*, the Earl of *Orkney*, the Lords *Graham*, *Kennedy*, and *Evandale* who was Lord Chancellor. The Ministry being thus settled, it must be owned they ruled the Kingdom for four or five Years to their great Glory and the infinite Advantage both of the King and People, insomuch that it could be scarce perceived that the Sovereign was a Minor, so equally was Justice administrated, and so skilfully were Disorders of all Kinds prevented or suppressed; but after Bishop *Kennedy*'s Death it was not long so; for the Lord *Boyd* one of the Regents soon found Means to engross most of all Places and Preferments about the Court to his own Family and Kindred: Nothing seems to have contributed more to bring about this Turn, than the Interest Sir *Alexander Boyd* the Lord *Boyd*'s Brother had got with the young King; for he had been put about him to teach His Majesty all the more courtly and military Exercises which were then in Fashion: So that as the elder Brother had a large Share in the Administration of Affairs, by Vertue of his Office, the younger, by his constant Access to the King's Person, had to be sure no small Influence over his youthful Inclinations, which he endeavoured to mould and turn to his own Purposes. With this View Sir *Alexander* gratified the King in all his Conceits, and failled

(*a*) Buchanan. (*b*) Fœdera Angliæ, Tom. xi. p. 423. (*c*) Charta penes Comitem de Wigton. (*d*) Buchanan's History.

not to aggravate the Severity of his other Governors and Schoolmasters, who he told him took too much upon them, and that he, if he had a Mind, might get himself rid of their Authority, and instead of receiving Advice might give Laws. These Infusions had their intended Effect; and the King being now twelve Years old resolved to take the Government upon himself, that was to transfer the whole Power to the *Boyds*.

To effect this it was necessary he should make his Escape from *Linlithgow*, where the Lord *Kennedy* another of the Regents had a watchful Eye over him: But he was deluded by the Blind of a hunting Match, to which the King was invited on the 10th of *July* 1466, and where the Lord *Boyd* himself, Sir *Alexander* his Brother, the Lord *Somerville*, the Master of *Hales*, and *Andrew Ker* younger of *Cesford* with their Friends (*a*), failed not to attend: Instead of hunting they entered the Road that leads to *Edinburgh*, but were not gone above a Mile or two on their Way, when the Lord *Kennedy*, who had leisurely followed, suspecting this hunting to be as it was a Game of State, came up with them, and laying his Hands upon the Bridle of the King's Horse, requested him to return again to *Linlithgow*, and bid him beware of those Guides who thus treasonably attempted to carry him away; for by a late Statute it was declared High Treason to seize upon or carry away the Person of the King, without the express Consent of the Estates assembled in Parliament. But the Lord *Boyd* thought the King's Person would guard them from the Penalty of Law, and that an after Statute, which he doubted not to obtain, would cancel the former. With this Assurance Sir *Alexander*, as if he meant to resent the Insolence done the King, after some injurious Words, gave the Lord *Kennedy* a Blow with his hunting Staff, and so they went off to *Edinburgh* as was intended. The *Boyds* in the mean Time carrying all before them triumphed, and managed the young King so much to their own Mind, that they influenced him to choice the Lord *Boyd* not only sole Governor to himself during his Minority, but to both his younger Brothers, the Duke of *Albany* and the Earl of *Mar*: He is indeed vested with great Powers, but I must do the Lord *Boyd* the Justice to tell what no Author has done before me, because they did not look into the Records, that his Lordship's Nomination to this great Dignity and Trust, was not done by a private *Junto*, nor huddled up in a Corner, but fairly and above Board, in open Parliament, and *ex consensu*, as the King himself declares, *Caeterorum Dominorum nostri Concilii*. All Things having thus far succeeded to the Lord *Boyd*'s Wish, he took Care to prevent any After-game, which might be penal to him and his Friends, for what they had done in the Face of an Act of Parliament; and therefore, in the first Place, he prevailed with his Royal Pupil the young King to call a Parliament, which met at *Edinburgh* the 9th of *October* 1466. The House was no sooner fenced, then the Lord *Boyd* fell down upon his Knees before the Throne, where the King sat (*b*), and in a long and elaborate Harangue complained of the hard Construction put upon the King's Removal from *Linlithgow*, beseeching his Majesty to declare his own Sense and Pleasure in that Business, and whether he or any of his Friends had therein offended. The King, as he had no doubt been taught beforehand, replied, that he had done him the best of Services, and that he had deserved a Reward rather then Reproaches or Punishment. This Declaration was recorded in the Books of Parliament, and an Instrument importing the same Thing

(*a*) Act of Approbation to the Lord Boyd and his Friends of bringing the King from Linlithgow to Edinburgh, 25 October 1466, in the Records. (*b*) Records of Parliament.

Thing granted to his Lordſhip under the Broad Seal, and is ſtill extant in the King's Archives at *Edinburgh*, the 25th of *October* 1466. A full Copy of the Act has never been hitherto publiſhed by any of the Collectors of the Acts of Parliament, and therefore I ſhall give it entire in the Appendix.

The Lord *Boyd* having now upon the Matter the whole Adminiſtration in his own Hand, it was not long before he had an Opportunity to get into one of the greateſt Offices in the Kingdom; for the Chamberlain's Place falling void by the Death of the Lord *Livingſton*, about this Time he was preferred thereto. His Commiſſion *pro vita*, which I have ſeen in the Hands of the Earl of *Kilmarnock*, paſſed the Great Seal upon the 25th of *Auguſt* 1467, and after that he is in many Records deſigned *Camerarius Scotiæ*, which has occaſioned ſome Authors to ſay that he was Chancellor of *Scotland*, which is a Miſtake, for we have ample Proofs that Office was then and for long after enjoyed by the Lord *Evandale*, and never by him: However it is certain, he had the ſole Power, and managed every Thing at his Pleaſure; yet above Board he ſeemed to act but in Conjunction with others named and authoriſed by the Parliament, who referred to their joint Determination ſeveral Matters of the higheſt Importance (*a*), ſuch as the Marriage of the King, his Siſter and his Brothers the Duke of *Albany* and Earl of *Mar*. But the boldeſt Step of all he made toward the aggrandizing of his Houſe was, that he prevailed with the young King and his own Colleagues to get the Lady *Mary* the King's eldeſt Siſter to be given in Marriage to Sir *Thomas Boyd* his Son, a very accompliſhed Gentleman indeed, and who the Father hoped would, by this Royal Match, raiſe his Family, that was otherwiſe both very noble and opulent, above the greateſt in the Nation. Indeed had outward Appearances and courtly Favour been to be depended on, he had Reaſon; for beſides that his Son obtained many Lands with his royal Bride (*b*), to render the Match more equal, he was created Earl of *Arran* (*c*), and he himſelf was conſidered as the Fountain from whence all Honours and Preferments muſt flow: But ſuch is the Inſtability of human Affairs, and ſo deceitful are the Smiles of Fortune, that what was conceived to be a laſting Foundation of the Greatneſs of his Family, proved the very Means of its Overthrow; for as the Lord Chamberlain had his own Enemies before, their Numbers did not diminiſh upon this ſudden Acceſſion of Honour to his Houſe. He and the *Kennedies* were at open Variance, and theſe being incenſed by the Maltreatment they had received, did all they could to work his Ruin. To effect this they exclaimed againſt the Match as mean and ſcandalous; *For*, ſaid they, *the Intereſt as well as Honour of Nations, depend very much upon the Alliances made by their Sovereigns, and a Royal Family is Royal by nothing more than the Princely Blood that runs in their Veins. To mix that Blood with the Blood of Subjects, is to ſtain the one and corrupt the other: For Subjects, when they are ſo near to the Throne, are apt to think themſelves upon a Level with it, from whence Licentiouſneſs and Oppreſſion, Avarice, Ambition, and often Rebellion take their Riſe; and the Throne, inſtead of being ſupported, as it ought to be by the Affinity of neighbouring Potentates, is in Danger of being undermined by the Cravings, or ſhaken by the Inſults of Domeſtick Relations. They could not but own that many of the Nobility of Scotland, as well as of other Kingdoms, had married the Daughters of Kings; but they ſaid in that their Kings had been Injurious to themſelves and to the Nation in general; that the Children or Grandchildren of theſe*

(*a*) Black Acts of Parliament. (*b*) Charta in pub. Archivis. (*c*) Ibidem.

Noblemen, were ſo far from being as they ought upon that very Account to have been the more dutiful and obedient Subjects; that on the contrary they had generally proved the moſt ſtubborn Rebels. Witneſs the late Earls of Douglas, *the Earl of* March, *and Lords of the* Iſles; *that ſometimes the Kings of* Scotland *had no other Means to reward the ſignal Services of ſome eminent Patriots, than preferring them to the Beds of Princeſſes of the Blood.* Theſe, or the like Diſcourſes (*a*), being aggravated by the publick Miſcarriages with which the *Boyds* were perhaps more induſtriouſly than deſervedly charged, made Way for the Diſgrace that ſoon afterward overwhelmed them: For the Lord Chamberlain himſelf being now much from the Court in the neceſſary Diſcharge of the Circuits of his Office, and his Son the Earl of *Arran* abroad upon an Embaſſy in *Denmark*, negotiating the King's Marriage, they were not able to ſtand their Ground; on the contrary, their Enemies failed not to improve the Opportunity of undermining them in the King's Favour. Theſe ill Offices to the *Boyds* were done by none ſo avowedly as the Lord *Kennedy*, and the Party that adhered to him. They repreſented the Chamberlain to His Majeſty as an ambitious, aſpiring *Man, as guilty of the higheſt Offences, and capable to contrive, reſolve and execute the worſt Things.* With what Juſtice I ſhall not determine, however it is certain they prevailed ſo far, that a Parliament was called to meet at *Edinburgh* the 20th of *November* 1469 (*b*), to which the old Lord *Boyd* himſelf, the Earl of *Arran* his Son, Sir *Alexander Boyd* his Brother, were ſummoned to anſwer to ſuch a Charge as ſhould be exhibited againſt them. Upon this the Lord *Boyd* betook himſelf to Arms, at leaſt appeared with ſuch Attendance of armed Men as obliged the Government to draw ſome Forces together for its own Defence; and the Match being ſo very unequal, the weaker Party thought fit to diſband themſelves. The Chamberlain was ſo aſtoniſhed at this ſudden Blow, as having made no Proviſion againſt ſuch an imminent Danger, that his Mind was quite dejected, not ſo much for the Power of the adverſe Faction, as for the ſudden Alienation of the King's Favour from him (*c*); ſo that the old Lord it ſeems in Deſpair of his Safety, fled into *England*, but his Brother Sir *Alexander* being then ſick, and truſting to his own Integrity, was brought before the Parliament, where firſt the Lord *Boyd*, and the Earl of *Arran* his Son, therein only deſigned Sir *Thomas Boyd*, were indicted of high Treaſon, at his Majeſty's Inſtance, by Mr. *David Guthery* of *That-ilk* then Lord Regiſter, as Advocate for the Crown. In the Charge he ſets forth, that both the Lord *Boyd* and his Son, had been lawfully ſummoned at their Capital Seat at *Kilmarnock*, and at the Market Croſs of the Brugh of *Air*, to appear before the Parliament, *ad reſpondendum nobis pro proditoria captione noſtræ perſonæ regiæ, tempore noſtræ exiſtentiæ in ſaccario noſtro, apud burgum noſtrum de Linlithgow, nono die July* 1466, *contra noſtræ voluntatis libitum, & in contrarium Acti Parliamenti: Nec non pro proditoria vituperatione & derogatione authoritatis & majeſtatis noſtræ regiæ; proditorie ſummendo in ſe regimen & Gubernationem noſtre perſone, & fratrum noſtrorum, & per quam plurimis damnis, proditoriis actionibus, rebellionibus, criminibus, & tranſgreſſionibus, per dictos Robertum & Thomam contra nos, & in opprobrium noſtre majeſtatis commiſſa & perpetrata.* It was anſwered for the *Boyds*, that the Crime of removing the King from *Linlithgow*, contrary to his declared Will, upon which the

(*a*) Abercromby from Ferrerius, p. 387. (*b*) Full Extract of the whole Trial copied from the Records by Sir Lewis Stewart of Kirkhill, and may be ſeen among his Collections. (*c*) Mr. Buchanan.

the Indictment was chiefly grounded, had not only been remitted, but also declared good Service by a subsequent Act of Parliament (*e*). But because that Act had been obtained by the *Boyds* when in Power, and Masters of the King's Person, no Regard was had to it, and all and every one of the Points libelled being found proven by a Parliament pack'd, as may very well be alledged, for the Purpose, they proceeded to give Sentence on the 22d of *November* 1469 aforesaid, condemning them as in the Cases of High Treason (*b*). The same Day Sir *Alexander Boyd* of *Duncow* appearing personally was indicted as Art and Part of the Crimes libelled against his Brother and his Nephew, of which he was found guilty by a Jury of very noble Lords and Barons (*c*), and condemned to lose his Head upon the *Castle-hill* of *Edinburgh*; which Sentence was executed accordingly.

The Lord *Boyd* had without Doubt undergone the same Fate, if he had not made his Escape into *England*, as hath been said, where nevertheless he did not long survive his Misfortune, being soon after cut off by old Age and Grief at *Anwick anno* 1470 (*d*).

The Lord *Boyd* the Chamberlain, by *Mariota* his Wife, Daughter of Sir *Robert Maxwell* of *Calderwood*, had Issue, three Sons and a Daughter; Sir *Thomas* the Earl of *Arran* his eldest Son, as hath been said, who upon the Ruin of his Family withdrew with his Lady into *Denmark*, and from thence into *France*, and prevailed with *Lewis* XI. to endeavour his Reconciliation with King *James*; but these Endeavours proving ineffectual, he offered his Service to the Duke of *Burgundy*, who being engaged in a War against his rebellious Subjects, received him graciously as a brave Man; and upon Trial finding him to be such, not only honoured and supported him during his Life, but also after his Death caus'd erect a noble Monument over his Grave in one of the Churches of *Antwerp*, where he was interred (*e*). But how high soever the King had carried his Resentment against the Earl himself, yet he had Compassion upon his innocent Children; for we see he restored his Son *James* to his Father and Grandfather's Estate in *Air* Shire, and to the Title of Lord *Boyd* (*f*): But he did not long enjoy that Honour, for he was soon thereafter taken away by Death, leaving no Succession behind him; and his Sister the Lady *Margaret* he bestowed in Marriage on the Lord *Forbes*; but she had neither Children to him, nor to her next Husband the Earl of *Cassils*, *Alexander Boyd* the Lord Chamberlain's second Son, thro' the Favour of the Earl of *Angus* his Brother-in-law, and for his own dutiful Behaviour, was by King *James* IV. made Baillie and Chamberlain of *Kilmarnock* for the Crown (*g*); and further, he had a Grant from that Prince of the Lands of *Bordland*, wherein he is designed *Filius Roberti quondam Domini Boyd* (*h*). In the Person of his Son the next Generation saw the Honour of the Family revive; for Queen *Mary* was graciously pleased, by Letters patent under the Great Seal (*i*), to recognize his Title to the Honour of Lord *Boyd*, *anno*

(*e*) Act of Parliament still extant in the Records. (*c*) Ibidem. (*d*) Buchanan. By another Act of the same Parliament 22 Nov. 1469, before they rose they annexed a Part of the Boyd's Estate to the Principality, viz. Dominium de Bute cum castro de Rothesay, Dominium de Arran, Dominium de Cowall cum castris de Dunoon & de Carrick, terris de Dundonald, cum castro ejusdem, Dominium de Stewarton, Dominium de Kilmarnock cum castro ejusdem, Dominium de Dalrey, terris de Noodsdale, terris de Kilbride, terris de Nairstoun, & terris de Caverton, nec non terris de Tanngzem, Duncow & Trabach: And the Lands of Tyling, and an Annuity out of Bucchan to the Crown. (*e*) Mr. Buchanan. (*f*) Peerage of Scotland, p. 243, where I am mistaken in following another Author, in saying that the Earl of Kilmarnock is descended of Sir Alexander Boyd of Duncow, whereas it is plain he is descended of Alexander Boyd Baillie of Kilmarnock the Lord Chamberlain's own Son. (*g*) Black Acts of Parl. and Rymer's Fœdera Anglia, ad annum 1505. (*h*) Charta in pub. Archivis, ad annum 1494. (*i*) Charta penes Comitem de Kilmarnock, ad annum 1549, which I have seen.

(*b*) Extract of the Trial of the Lord Boyd before

1549, and to reſtore him to the Eſtate which *James* Lord *Boyd* his Couſin-German, *his Father's Brother's Son*, died laſt veſted and ſeiſed in, and to whom he is then ſerved and retoured Heir. *Archibald Boyd* the Lord Chamberlain's third Son was firſt of the *Boyds* of *Bowſhaw* (*a*). His Lordſhip's only Daughter *Elizabeth* was married to *Archibald* Earl of *Angus*, who was Lord Chancellor to King *James* IV.

Sir *John Colquhoun* of *That-ilk*.

THE firſt known Anceſtor of this ancient and honourable Family was *Umphredus de Kilpatrick*, who, in the Reign of King *Alexander* II. had a Grant of the Lands of *Colquhoun pro ſervitio terdii partis unius militis* (*b*), whereupon he relinquiſhed the Sirname of *Kilpatrick* and aſſumed that of *Colquhoun*, as we ſee was a very ordinary Cuſtom in thoſe ancient Times. *Ingelram de Colquhoun*, probably his Son, is Witneſs in a Charter which *Malcolm* the ſecond Earl of that Name, of the Family of *Lennox*, gave *Joanni filio & heredi Domini Joannis de Laſs* of his Eſtate. It wants a Date, but by the Witneſſes it appears plainly to be in the Reign of King *Robert* I. (*c*). *Robertus de Colquhoun miles* is Witneſs to a Charter by *Malcolm* Earl of *Lennox*, *Arthuro Galbraith* of the Lands of *Bucheran*. He ſeems to be the very ſame Sir *Robert Colquhoun*, who in the Reign of King *David* II. married the Heir Female of the ancient Family of *Laſs* of *That-ilk*, in the County of *Dunbarton*, whereupon he deſigns himſelf *Dominus ejuſdem & de Laſs*, as I find he did as Witneſs to a Charter by *Iſabella Fleeming Domina de Dalnotar, Domino Roberto de Erskine militi* of the Lands of *Achintorly* in the *Lennox*, wherein, beſide Sir *Robert*, there are Witneſſes, *Walterus de Foſcelyne, Dominus de Levinax, Willielmus de Galbraith, Dominus de Gartconel, Joanne Lyle filio & heredi Domini Joannis Lyle de Duchal militis* (*d*).

HIS Son *Umphredus de Colquhoun Dominus de Laſs*, as he calls himſelf, gives a Charter *Roberto de Colquhoun fratre ſuo germano* of the Lands of *Camſtradoch* and *Achigahan in dominio ſuo de Laſs*, *July* 13th, 1395 (*e*). He did not however leave off deſigning himſelf *Dominus de Colquhoun*, or Lord of *That-ilk* (*f*), but as his Father Sir *Robert* had done, uſed both theſe Titles promiſcuouſly. Sir *John Colquhoun* of *Laſs* his Son, in the 1429, as Patron of the Pariſh Church St. *Keſsoch* of *Laſs*, conſents to the Annexation which Biſhop *Cameron* of *Glaſgow* made of it, as a Prebendary in the Chapter of that See for ever (*g*). He was afterward murdered under Truſt by a Company of diſſolute Iſlanders, who had made a Deſcent upon the *Lennox*, 23d of *September* 1440 (*h*), leaving Iſſue by ..... his Wife, a Daughter of the Family of *Erskine* (*i*), Sir *John* his Succeſſor, *Patrick*, who was the firſt of the *Colquhoun*'s of *Glinns*, whoſe Eſtate went off with an Heir Female in the Reign of King *James* V. to the Houſe of *Boyd* (*k*); and a Daughter *Anne*, who was married to Sir *John Houſtoun* of *That-ilk*.

SIR *John* the Lord Chamberlain, being a Gentleman of Parts and Abilities, and allied to the Lord *Boyd*, was by his Means brought into the Miniſtry, and made Comptroller of the Exchequer, *Compotorum rotulatora*, as the Office is called, *anno* 1465 (*l*), which he held till the 1469; he was removed, and *Adam Wallace* of *Cragoe* was made Comptroller

(*a*) Charta penes Comitem de Kilmarnock, ad annum 1482. (*b*) Regiſter of Charters of the Earldom of Lennox belonging to the Community of the Burgh of Dunbarton. (*c*) Ibidem. (*d*) Original Charter, which I have ſeen in the Hands of a very good Antiquary Mr. William Wilſon one of the late Clerks of the Seſſion, belonging to the Honourable Mr. James Erskine Lord Grange. (*e*) Regiſter of the Charters of the Earldom of Lennox. (*f*) Charta penes Dom. Joannem Maxwell de Pollock Baronet ad annum 1400. (*g*) Excerpts from the Chartulary of the Epiſcopal See of Glaſgow, M. S. penes me. (*h*) Mr. Buchanan's Hiſtory. (*i*) Charta penes Dom. Laſs. (*k*) Charta penes Comitem de Kilmarnock. (*l*) Many Writs in the Archives fully prove this in 1464, 1465, &c.

roller in his Room. Upon the Fall of the Lord *Boyd*, Sir *John* by his loyal and prudent Behaviour preserved his Intereſt at Court, inſomuch, that in the 1471 he was made Sheriff-Principal of the Sheriffdom of *Dunbarton* (*a*), and the next enſuing Year had a Grant of the Lands of *Roſeneth* (*b*). But this was not all; for ſtanding now in a very high Degree of Favour with the King his Maſter, he was pleaſed to prefer him to be Great Chamberlain of *Scotland*, *anno* 1474 (*c*); for then he, *Joannes Colquhoun de Luſs miles*, is poſitively deſigned *Camerarius Scotiæ*, when, together with Biſhop *Spence* of *Aberdeen*, the Laird of *Sauchy*, and the Lyon King at Arms, was ſent to the Court of *England* with a Plenipotentiary Power to treat of a Marriage betwixt the two Royal Families (*d*). They were ſo ſucceſsful in the Negotiation, that Preliminaries were agreed to, and a new Treaty ſet on Foot to compleat what they had begun. Accordingly a Contract was ſigned by the Commiſſioners of both Kingdoms betwixt the Prince of *Scotland*, and the Princeſs *Cicily*, Daughter to King *Edward* IV. But tho' the Portion was paid, yet the Marriage, for Reaſons of State, did never take Effect.

The Lord Chamberlain Sir *John Colquhoun* daily increaſing in Favour, his Majeſty was pleaſed to make him Captain Governor of the Caſtle of *Dunbarton* for Life, *Cuſtodem Caſtri de Dunbarton pro toto tempore vitæ ſuæ, cum omnibus feodis & commoditatibus, prout habuit & nunc habet pro cuſtodia dicti caſtri*, viz. *terras de Cardroſs, Cumray, annuo redditu terrarum de Cadiow, una cum farina de Paſtay, vulgariter dict.* le Uache Mele. His Commiſſion impowers him to name and appoint all the other neceſſary Offices of the Garriſon, and paſſed the Great Seal, *apud Edinburgh decimo ſeptimo die menſis Septembris* 1477 (*e*). But the Lord Chamberlain's being a Statesman did not hinder him from doing the Offices of a Soldier, when the Honour of his Sovereign, and the Service of his Country required it; for the next enſuing Year he went to the Siege of the Caſtle of *Dunbar*, which the Duke of *Albany* had garriſoned againſt the Government, where he had the Misfortune to be ſlain by the Shot of a Cannon Bullet, *May* 1st 1478 (*f*). His Wife was a Lady of the Family of the *Boyds* (*g*), By whom he had *Umphrey Colquhoun* of *Luſs* his Succeſſor (*h*), and a Daughter . . . Lady *Tillibardin*.

James Earl of *Buchan*.

This noble Lord was the ſecond of the three Sons, which Sir *James Stewart*, called the black Knight of *Lorn*, Brother to the Lord *Lorn*, had by *Jean* his Wife, Queen Dowager of *Scotland*, Widow of *James* I. and Daughter of *John* Duke of *Somerſet* (*i*). It appears his Father took great Care of his Education, for we find that he obtained Letters of ſafe Conduct oftner than once to come into *England* with his Sons, this *James* and his elder Brother *John*, who was thereafter Earl of *Athole*, very probably to compleat their Education, in one or other of the Univerſities there (*k*). After his Return, when he came to Age, King *James* his uterine Brother, provided a noble Match for him, *Margaret* the only Daughter and ſole Heir of Sir *Alexander Ogilvy* of *Auchterhouſe*, hereditary Sheriff of the County of *Forfar*, whereby a fair Eſtate in Land was provided to any Heirs he ſhould raiſe by the Lady, which their Poſterity

(*a*) Records of the Exchequer in the Archives at Edinburgh. (*b*) Charter under the Great Seal of King James III. Joanne Colquhoun de eodem militi, ſtill extant in the Records. (*c*) Mr. Rymer's Fœdera Angliæ, ad Annum 1474. (*d*) Ibidem. (*e*) Charta in pub. Arch. (*f*) Biſhop Leſly's Hiſtory of Scotland, and Sir James Balfour's Annals in the Library of the Univerſity of Glaſgow, M. S. (*g*) Genealogy of the Houſe of Luſs, which I have ſeen in the Cuſtody of Andrew Colquhoun of Garſcaddin, who was a Branch of the Family himſelf, and was a Gentleman well ſeen in the Antiquities of his Country, and particularly in the Hiſtory of his own Name. (*h*) Charta in publicis Archivis. (*i*) Peerage of Scotland, Page 49. (*k*) Rymer's Fœdera.

ſterity long enjoyed; but Sir *James*, having no higher Title of Honour above that of a Knight, King *James* III. his Nephew thought fit to raiſe him to be a Peer, and created him Earl of *Buchan*, *anno* 1469, an Honour he was now pleaſed to revive, after it had lien dormant for the Space of forty five Years, ever ſince the Death of the brave Earl of *Buchan*, who was ſlain at the Battle of *Vernoil*, as hath been ſaid.

THE Earl growing daily more and more in Favour, and the King being fully ſatisfied of his Abilities, as well as of his Fidelity to his Service, was pleaſed to prefer him to the Great Chamberlain's Place, *anno* 1471 (*a*), upon the Fall of the Lord *Boyd*; and he held the Office till the 1473, or thereabouts, that he was ſent Ambaſſador to *France* (*b*), that then the Chamberlain's Place was conferred upon Sir *John Colquhoun* of *That-ilk*. After his Return he was made Warden of the *Eaſt* Marches toward *England*, and in the 1478, had, by the Bounty of his Nephew and Sovereign, a Grant of the Lands and Barony of *Traquair*, then in the Crown by the Forfeiture of *William de Moravia* (*c*), which he afterward gave off as a Proviſion to a younger Son, who was the Anceſtor of the Earl of *Traquair* (*d*). The Lord Chamberlain, Sir *John Colquhoun*, dying ſoon after this, the Earl of *Buchan* was a ſecond Time conſtituted Great Chamberlain of *Scotland* (*e*); but tho' he continued in a very great Degree of Favour, yet he held the Chamberlain's Place no longer then till the 1484, that he reſigned the Office, which was thereupon conferred on the Earl of *Crawfurd* (*f*).

WHEN the Troubles began in that Reign, the Earl of *Buchan* ſided with his Sovereign and Nephew againſt the diſcontented Party that were hatching his Ruin, and adhered to him with inviolable Fidelity throughout all his Misfortunes, and was amongſt the firſt of the Nobility who reſented his Death; yet it cannot be denied, but that he carried that Matter further then could be well thought lawful; for in View, I preſume, to get a full Revenge of thoſe who had imbroiled the late King's Affairs, and brought him to an untimely End, he entered into a very unjuſtifiable Deſign of ſeizing upon the Perſon of the young King *James* IV. and his Brother the Duke of *Roſs*, and of delivering them up to King *Henry* VII. of *England* (*g*). But afterward it ſeems judging the Experiment very dangerous, and the Remedy worſe than the Diſeaſe, I believe it was never tried.

AFTER the Government was ſettled under King *James* IV. I find nothing concerning the Earl, either in Hiſtory, or in the Records of his Family, that could any Way further illuſtrate his Life; 'tis probable he retired from the Court diſcontented, and paſſed the Remainder of his Days in a Country Retirement, till Death carried him off this earthly Stage of Mortality, ſometime of the Year 1501 (*h*). He was interred in the Collegiate Church of *Auchterhouſe*.

THE Earl of *Buchan*, the Lord Chamberlain, by Dame *Margaret Oglevy* his firſt Wife aforeſaid, had a Son *Alexander*, who was his Succeſſor in the Earldom of *Buchan*. This Lady, 'tis ſaid, he repudiate (*i*), and then took to her Bed, and called his Wife, *Margaret Murray*, who my Author ſays was a Daughter of the Houſe of *Philiphaugh* (*k*), by whom he had ſeveral Children; *James* whom his Father provided to the Lands of *Traquair* (*l*), and three Daughters; *Agnes* who was married to *Adam* ſecond

(*a*) Charta penes Comitem de Marchmont. (*b*) Boethius's Lives of the Biſhops of Aberdeen. (*c*) Charta in pub. Archivis, ad annum 1478. (*d*) Ibidem, ad annum 1492. (*e*) Charta penes Comitem de Marchmont. (*f*) Charta in pub. Archiv. ad annum 1482. (*g*) Fœdera Angliæ. (*h*) Charta in Archivis Saccarii ad annum 1501. (*i*) Mr Martin of Clermont ſays ſo in his Hiſtorical and Genealogical Collections relating to the Nobility of Scotland, and I my ſelf have ſeen ſome Writs confirming what he ſays. (*k*) Ibidem. (*l*) Charta in pub. Archivis.

cond Earl of *Bothwell*, and after that to *Robert* Lord *Maxwell* (*a*), and had Iſſue. *Elizabeth* to *Mungow Hume* of *Coldingknows*, Anceſtor to the preſent Earl of *Hume*, and had Iſſue. *Margaret* to *George Gordon* of *Aberzeldie*, at that Time Son and Heir apparent of Sir *Alexander Gordon* of *Midmar* (*b*).

David Duke of *Montroſe* and Earl of *Crawfurd*.

THE firſt Earl of the illuſtrious Family of the *Lindſays* was Sir *David Linaſay* of *Glenesk*, who, in right of his Blood, ſucceeded his Couſin Sir *James Lindſay* in the Lordſhip of *Crawfurd*, and was dignified by *Robert* III. with the Honour of Earl of *Crawfurd*, by ſolemn Inveſtiture in Parliament, a Ceremony we ſee was then and long afterward uſed in creating of Peers, the 30th of *April* 1399 (*c*). He was a gallant brave Man, and performed many heroick Actions, which reflected great Honour both on himſelf and his Country. His Wife was a Daughter of King *Robert* II. the firſt of the Family of the *Stewarts* (*d*), by whom he had *Alexander* the ſecond Earl of *Crawfurd*, *David* to whom he gave off the Lands of *Wyndosk*, in the County of *Kincardine* (*e*), of whom branched the *Lindſays* of the Houſe of *Edzle*, and a third Son *Gerard*, who is Subſtitute to his Brother *David* in the Right of the foreſaid Lands.

Alexander the ſecond Earl of *Crawfurd*, we ſee, from the *Fœdera Angliæ*, the publick Archives, and the Hiſtorians, made a very great Figure during all the Reign of King *James* I. and even till his Death, which happened on the 24th of *January* 1446, leaving Iſſue by *Marjory* Counteſs of *Crawfurd* his Wife (*f*), *Alexander* the next ſucceeding Earl, *William*, and *Walter* who was the firſt of the *Lindſays* of *Evelick* (*g*), of whom, by two younger Sons, deſcended the *Lindſays* of *Kinnetles* and *Tarrie*; beſides theſe three Sons the Earl had a Daughter *Elizabeth*, married to Sir *Thomas Maule* third of that Name, Baron of *Panmure*. *Alexander* the third Earl of *Crawfurd* did not deviate from the Honour and Glory of his noble Anceſtors, both in the Arts of Peace and War. Our Hiſtorians are full of him, from the Time that he came to act upon the Stage of Buſineſs, till he was cut off by Death in the Year 1451. By *Margaret* Counteſs of *Crawfurd* his Wife, he left two Sons, *David* who was his Succeſſor, and Sir *Alexander Lindſay* of *Achtermonſy*, who, upon the Failure of the Iſſue Male of his elder Brother, came to be the Head of this noble Family himſelf.

David Earl of *Crawfurd* being left young at his Father's Death, and under Age, the Gift of his Ward and Marriage was given by the King to the Lord *Hamilton*, whoſe Daughter the Lady *Elizabeth* he afterward married, and by whom he had all his Children. I find little memorable concerning the Earl, till the 1466, that he was made heritable Sheriff of the County of *Forfar*, upon the Surrender of that Office by Sir *James Stewart* and his Wife *Margaret Ogilvy* the Heireſs of *Auchterhouſe*, from whom the Right flowed, which was ratified by a Charter under the Great Seal.

IN the 1472, the Earl was named one of the Plenipotentiaries to treat with the *Engliſh* about a Peace, and of a Match betwixt ſome fit Perſons of the two Royal Families, the better to cement and make that Friendſhip the more laſting. With this View Commiſſioners were

(*a*) Charta in pub. Archivis, and Mr. Martin's Collections. (*b*) Ibidem, and the Manuſcript Hiſtory of the Gordons, M. S. penes me. (*c*) Fordon's Continuator from the Copy in the Library in the College of Edinburgh. (*d*) In many Charters granted by that Prince. In the Records he calls him filio noſtro, as Robert III. and the Duke of Albany call him fratre noſtro. (*e*) Charta in Rotulis Roberti Ducis Albaniæ. (*f*) Charta in publicis Archivis, ad annum 1478. (*g*) Genealogical Hiſtory of the illuſtrious Houſe of Panmure, M. S.

ſent to the Court of *England* in *July*, and they were ſo ſucceſsful in their Negotiation, that they returned in the Beginning of *October*, being accompanied or followed by the Biſhop of *Durham*, the Lord *Scroop*, Mr. *John Ruſſel* Keeper of the Privy Seal, and Dr. *Robert Booth*, who had a joint Commiſſion from King *Edward* to compleat in *Scotland* what had been ſo happily begun in *England*. And now the Earl of *Crawfurd* was again one of the Commiſſioners appointed by King *James* to treat with them, which he did, and on the 26th of the ſame Month, agreed, *That in Order to promote the Wealth, Peace, Honour, and Intereſt of this noble Iſle, called* Great Britain, a Match ſhould be concluded betwixt *James*, only Son and Heir of *James* King of *Scotland*, and *Cicily* the youngeſt Daughter of *Edward* King of *England*; that in regard of the Infancy of the Prince and Princeſs, both Kings ſhould ſolemnly promiſe to do all that in them lay to make the Marriage effectual in due Time: However to make it as complete as poſſibly could be then, the Earl of *Crawfurd*, as Procurator (ſo the Record calls him) for the King of *Scotland*, ſolemnly promiſed for, and in the Name of his Maſter, that the Marriage agreed to ſhould be to all Intents and Purpoſes made effectual, aſſoon as the Prince and Princeſs ſhould arrive at the Age preſcribed by the Canons: But, I muſt tell the Reader by the Way, tho' the Portion promiſed by the King of *England* was paid, yet this Marriage was never completed for Reaſons too long to be inſerted here, and would be foreign to my Purpoſe.

In the 1475, the Earl of *Crawfurd* was conſtituted Admiral of the Fleet, that was fitted out in order to reduce the Earl of *Roſs*, who was then in open Rebellion to Obedience (*a*). But that Earl finding the Match ſo very unequal betwixt him and his Sovereign, he was prevailed with to ſubmit and throw himſelf upon the King's Mercy.

King *James* having now got ſo many repeated Inſtances of the Earl of *Crawfurd*'s Fidelity, and of his Affection to his Service, was pleaſed to put a very great Truſt in his Hand, the Command of the Caſtle of *Berwick*, which with the Town had been ſometime before given up to the Crown of *Scotland* by King *Henry* VI. The Earl's Commiſſion under the Great Seal, which was to continue for three Years, bears Date 17th of *July* 1473 (*b*). For the Merit of theſe Services, the Earl came into great Favour, and being brought into the Miniſtry, was thereupon made firſt Maſter of the Houſhold in Place of the Lord *Borthwick*, *anno* 1482, and two Years after that Great Chamberlain of *Scotland*, upon the Removal of the Earl of *Buchan* (*c*). The ſame Year 1484, the Lord Chamberlain was named one of the Conſervators of the Truce, which was agreed to with the *Engliſh* at *Nottingham*, and which was to begin at the riſing of the Sun, on the 29th of *September* 1484, and to laſt till the ſetting of the Sun 29th of *September* 1487 (*d*). When the Troubles began in this Reign, the Lord Chamberlain adhered to the King with great Fidelity, in Conſideration whereof he was graciouſly pleaſed to make him and the Earl of *Huntly* joint Lord Juſtices of the *North* (*e*); and further to raiſe him to the Honour of Duke of *Montroſe*, by Letters Patent the 18th of *May* 1487 (*f*). But after the Death of the King, the new Miniſtry under the young King *James* IV. reduced his Title of Duke in Purſuance of an Act of Parliament they made on the 6th of *October* 1488 (*g*), whereby it was declared, *That all Alienations of Lands, Heritages, Creations of new Dignities grantit to any Perſon of what Eſtate, Degree, or Condition they be of, ſince the ſecond Day of* February 1487, *be caſſit and annulit*

(*a*) Buchanan. (*b*) Charta in pub. Archivis. (*c*) Ibidem. (*d*) Fœdera Angliæ, ad annum 1484. (*e*) Records of Parliament. (*f*) Charter of Creation in the Regiſters of the Great Seal. (*g*) Black Acts of Parliament.

annulit, and to be of na Force nor Effect in any Time to come, becauſe ſay they, *ſic Gifts and Priviledges war grantit for the Aſſiſtance to the perverſt Counſel that war contrar to the common guid of the Realm, and the Cauſe of the Slaughter of our Soveraign Lord's Father, and diverſe other his Barons and Leidges.* But this was not all the Hardſhip put upon the Duke; for before he could make his Peace, he was peremptorily obliged to reſign the Sheriff-ſhip of *Forfar*-ſhire to the Lord *Gray* (*a*); and having complied in that Point, to gratifie him ſomewhat, they prevailed with the young King their Pupil to give him a new Patent to be Duke of *Montroſe*, but only during Life, the 19th of *September* 1489 (*b*). I do not find the Duke after this meddled much in publick Affairs. 'Tis true indeed, the Parliament at this Time named him one of the King's Privy-Council (*c*); but I am apt to believe it was more out of regard to his Quality, than that they had any great Mind he ſhould be much concerned in the Adminiſtration; nor do I think the Duke would have been very fond of engaging far with a Set of Men, whom, no doubt, he believed to have been the Murderers of his beloved Maſter, and had dealt ſo hardly with himſelf for adhering to him. He lived but a few Years after this, and it would appear retiredly; for there is little or no mention of him either in Records or Hiſtory, from the 1489 till the 1493 that he died. The Duke was married to the Lord *Hamilton*'s Daughter, as hath been ſaid, by whom he had *Alexander* Maſter of *Crawfurd* and Lord *Lindſay*, as he was called, who died in the Lifetime of his Father, leaving no Iſſue; *John* the ſecond Son, who was his Father's Succeſſor in the Title of Earl of *Crawfurd*, and was afterward ſlain with King *James* IV. at the fatal Battle of *Floudon-field*, the 9th Day of *September* of the Year 1513 (*d*).

Alexander Lord *Home*.

THIS noble Lord was the Son and Heir of *Alexander* Lord *Home* by *Nicolas* his Wife, Daughter and ſole Heir of *George Ker* of *Samuelſton* (*e*). Being a Perſon of great Parts and Abilities he came very early to make a Figure, and to have a large Share in the Adminiſtration of Affairs, whilſt he was but young, in the Lifetime of his Father and Grandfather; for upon the Acceſſion of King *James* IV. to the Crown, the Maſter of *Home*, as he is called, was by Letters Patent under the Great Seal, bearing Date *October* 7th, 1488, conſtituted Great Chamberlain of *Scotland* for Life (*f*), and the next enſuing Year, 26th of *Auguſt* 1489, made Warden of the Eaſt Marches toward *England* (*g*). But this was not all; for much about the ſame Time his Lordſhip was appointed Captain of the Caſtle of *Stirling*, and Governor to the King, and had the Tuition of his Brother the Earl of *Mar* committed to him for nine Years (*h*).

THE Lord Chamberlain continued his Greatneſs, and in Effect was the Prime Miniſter all the Reign of King *James* IV. and there is no Veſtige that ever his Maſter's Favour was in any Degree diminiſhed to him till his Death. He accompanied the King to the Battle of *Floudon*: But tho' he had a very great Command in the Army, yet it is owned on all Hands, that he did not diſcharge his Duty upon the fatal Day as he ought to have done (*i*), tho' I think it a very groundleſs Calumny upon the Lord *Home*, that the King was killed in the Caſtle

(*a*) Original Writ anent this is to be ſeen in the Collection of Charters made by Sir James Balfour now in the Advocate's Library. (*b*) Patent in the Records making him Duke of Montroſe during Life. (*c*) Records of Parliament, and the Black Acts of Parliament. (*d*) Peerage of Scotland, Page 84. (*e*) Charta in pub. Archiv. (*f*) Ibidem. The Lord Home's Commiſſion is not entered at large in the Records, but is only thus marked, Litera data ſub magno ſigillo faciend. Alexandrum Home Magnum Camerarium Scotiæ pro vita. (*g*) Gift under the Great Seal in the publick Records. (*h*) Ibidem. (*i*) Buchanan on the Life of King James V.

of *Home* by his Means; for when he was afterward tried upon that Point, nothing that looked like any Proof could be made out againſt him (*a*): For my own Part, I really believe the King was, as the *Engliſh* Writers ſay, killed in the Field of Battle, and that his Body was found upon the Spot; at leaſt the *Engliſh* thought ſo; for Queen *Elizabeth* writes over to her Husband King *Henry* VIII. who was then in *France*, deſiring to know after what Manner he had a Mind to diſpoſe of the Body of the King of *Scots*. This Letter, which in my humble Opinion goes far to vindicate the Lord *Hume*, I have placed amongſt the Collections of Records in the End of this Work.

THE Lord *Home* was continued in the Chamberlain's Place by the Queen Regent after the King's Death, and to render his Authority the greater, he was made Warden both of the Weſt and Middle Marches, being himſelf Warden of the Eaſtern Marches before. His Power and Intereſt now being ſuperior to any others in the Kingdom, it was ſolely by his Influence, that the Duke of *Albany* was brought over from *France*, and made Regent to the young King (*b*), his Mother the Queen having loſt the Regency by her Marriage with the Earl of *Angus*. Upon the Duke's Arrival in *Scotland*, *anno* 1515, the Lord *Home* the Lord Chamberlain, we are told (*c*), met his Grace at *Dunbarton* with a noble Retinue of 300 Horſe, all cled in *Kendal Green*, the Livery of his Family: When he ſaw his Lordſhip, he had that Expreſſion to thoſe about him, *Minuit preſentia famam*, alluding to his low Stature, for he was but a little Man. But tho', as hath been ſaid, the Lord *Home* was the main Inſtrument of bringing the Duke of *Albany* to the Regency, it was not long before he began to decline in his Favour: For being diſapointed, it ſeems, of the Share he expected in the Adminiſtration, he began to cabal againſt him, and, if I am not far out in my Conjecture, entered into a Concert with the Queen and the Earl of *Angus* to ſeize upon the young King and ſend him to his Uncle King *Henry*. But the Plot being diſcovered, they all fled to *England*, from whence the Regent found Means to decoy them back. The Lord *Home* had not been long at Home before he fell upon ploting anew againſt the Regent, intending to get him depoſed from his Authority, and the Government put into the Hands of the Earl of *Arran*. But that Conſpiracy coming to Light, he was thereupon ſeized, together with a Brother of his own, and ſent Priſoners to the Caſtle of *Edinburgh*. Soon after this he was indicted of High Treaſon, but upon what Heads I cannot condeſcend, ſince our Hiſtorians are altogether ſilent about them. However, we are ſure, they were both found guilty of the Crimes libelled, and being ſentenced to loſe their Heads, the Lord *Home* ſuffered upon the *Caſtle-hill* the 11th of *October* 1516, and his Brother the next Day thereafter (*d*). His Eſtate was forfeited to the Crown, where it remained till after the Death of King *James* V. that, in the Earl of *Arran*'s firſt Parliament, *George* Lord *Home* his Brother was reſtored to the Eſtate and Honour of Lord *Home*, the 18th of *Auguſt* 1542 (*e*). The Lord *Home* the Great Chamberlain was married to Dame *Janet Stewart*, by whom he had a Son, *Alexander* Maſter of *Home* (*f*), who died before his own Father, leaving no Iſſue; and two Daughters, *Marion* married to *John* Earl of *Crawford* (*g*), but had no Iſſue, and *Janet* to Sir *John Hamilton*, a natural Brother of the Earl of *Arran*'s: With her he obtained the Barony of *Samuelſton*, which deſcended to her as Heir general to Dame *Nicolas Ker* Lady *Home* her Grand-mother.

John

(*a*) Buchanan on the Life of King James V. (*b*) Buchanan's Hiſtory. (*c*) Mr. David Hume of Godſcroft in his Hiſtory of the Douglaſſes. (*d*) Ibidem, and Buchanan. (*e*) Records of Parliament, (*f*) Charta in pub. Archiv. (*g*) Ibidem. ad annum 1493.

John Lord *Fleeming*.

In the Peerage of *Scotland*, not long ago publiſhed, the Reader, if he pleaſes, will there find a very well vouched Account of the Riſe and Deſcent of the great and ancient Family of *Fleeming*, with their Alliances, and the publick Offices they have poſſeſs'd from the Time of King *David* the I. that they ſeem to have been firſt tranſplanted into this Realm down to the preſent Time. I ſhall tranſcribe nothing that is ſaid there, but the immediate Parentage of the four ſeveral Lords, who have been Great Chamberlains, with their Marriages and Iſſue, which I muſt neceſſarily do to illuſtrate the Lives, and to make my own Work the more uniform. To proceed then; The Lord *Fleeming*, the firſt Lord Chamberlain of his Family, was the Son of Sir *Malcolm Fleeming* of *Moncabbo* Maſter of *Fleeming*, Son and Heir apparent of *Robert* the firſt Lord *Fleeming*. His Mother was Dame *Elizabeth Livingſton* (*a*), a Lady of the Family of the *Livingſtons* of the Houſe of *Callendar*. He was left young at his Father's Death in 1481, but by the Care of his Grandfather was well brought up and educate as became his Rank and Quality; and as ſoon as he arrived to Man's Eſtate, that he might raiſe up Heirs to his illuſtrious Family, he married him to the Lord *Drummond*'s Daughter, the ſame Lady who had been contracted to Sir *David Fleeming* his elder Brother, but had died before the Conſumation of the Marriage. His Lordſhip came to be Lord *Fleeming* upon his Grandfather's Death in 1500, to whom he was ſerved and retoured Heir (*b*), and being a Nobleman of excellent Parts and Endowments, the Eſtates, in the Beginning of the Reign of King *James* V. were pleaſed to ſend him and one Mr. *Ogilvy* then Rector of *Kinkell*, afterward Abbot of *Dryburgh*, and Maſter of Requeſts, as Plenipotentiaries to the Court of *France* (*c*). Having finiſhed his Negotiation with Fidelity and Succeſs, upon his Return he was in great Credit with the Queen Regent, inſomuch that he was choſen one of the Lords of her Council, and ſoon after was again ſent Ambaſſador to *France*, to receive from King *Lewis* XII. the Sum of 100000 *Franks*, with Arms and Amunition which he had agreed to aſſiſt his old Allies the *Scots* with.

When the Regency devolved upon the Duke of *Albany* by the Queen's Marriage with the Earl of *Angus*, the Lord *Fleeming* came to be in great Favour with him, and in his neareſt Confidence; and upon the Fall of the Lord *Home* he was made Great Chamberlain of *Scotland*. I have not ſeen the Commiſſion ſo as to condeſcend upon the preciſe Date of it, but he ſigns himſelf *Camerarius Scotiæ* in a Letter which the Regent and the Parliament of *Scotland* wrote to the King of *England* anent a Ceſſation and Abſtinence from War betwixt the two Nations, and bears Date the 7th of *October* 1517 (*d*).

He was afterward in 1519 ſent over to *France* to preſs the Duke of *Albany*'s Return to *Scotland*, who had gone over in Perſon to concert Meaſures with that Crown, anent the Aſſiſtance that *France* was to give to *Scotland*, in Caſe of an Invaſion from *England*, which was threatned, and with full Powers to adjuſt all Matters that were not finally ſettled betwixt the two Kingdoms. He managed his Commiſſion with ſuch Prudence and Dexterity, that the Duke came over and his Lordſhip in his Company, in the End of the Year 1520 (*e*): From this Time forth the Lord *Fleeming* continued in the higheſt Favour with the Regent, and held the Chamberlain's Place after this above three Years, with the general Applauſe of the whole King-

(*a*) Charta penes Comitem de Wigton, ad annum 1481. I have found the Lady deſigned in other Writs Eupham. (*b*) Ibidem ad annum 1500. (*c*) Ibidem. The Commiſſion is dated 5th of December 1513. (*d*) Fœdera Angliæ, ad annum 1517. (*e*) Buchanan.

dom till his Death. He was barbarouſly aſſaſſinated by *John Tweedie* of *Drumlezer*, *James Tweedie* his Son, and their wicked Accomplices, the firſt of *November* 1524 (*a*). By *Eupham* his Wife, Daughter of *John* firſt Lord *Drummond* (*b*), the Lord Chamberlain had Iſſue; *Malcolm* his Son and Succeſſor, another younger Son *Malcolm*, who being bred to the Church, was by King *James* V. made Prior of *Whittern*; alſo two Daughters, *Elizabeth* married to *William* Lord *Crighton* of *Sanquhar* (*c*), and *Margaret* to *John Cunningham* Son and Heir apparent, at that Time, to *William Cunningham* of *Glengarnock* (*d*), and had a moſt numerous Iſſue.

Malcolm Lord *Fleeming*

WAS the next Great Chamberlain in this illuſtrious Family. He was the eldeſt Son of *John* Lord *Fleeming* by *Eupham* his Wife, Daughter of *John* firſt Lord *Drummond* (*e*). He was born in the Year 1494, or thereabout, and educate according to his Rank, and the Cuſtom of the Times. Being a Nobleman of excellent Endowments, and of great Reputation for Integrity, he was by King *James* V. promoted to the Lord Chamberlain's Place (*f*), upon the Death of his own Father, which he held long, and acquited himſelf therein with Honour and Fidelity. The King his Maſter, who had a great Eſteem of his Abilities, took him into a great Degree of Favour and Confidence, and pitched on the Lord Chamberlain among the few Peers he carried over with him to *France*, when he married his Queen *Magdalen*, Daughter to *Francis* I. (*g*), and aſſiſted in all the Conferences about the weighty Matters then in Hand.

THE Lord Chamberlain went along in the Army with the King to the Border in *November* 1542, to invade *England* on the weſtern Side, but fatally leaving them, and making a private Gentleman General, upon that they fell unto ſuch Diſorder and Confuſion, as made Way for the diſmal Overthrow they met with at *Solloway*-Moſs, where ſeveral *Scots* Noblemen were made Priſoners (*h*), and carried to *London*, of which Number the Lord *Fleeming* the Lord Chamberlain was one. The King of *England* uſed the Priſoners civilly; and upon the News of the King of *Scotland*'s Death, and of his leaving only a Daughter to ſucceed him, he mightily carreſſed them, declaring his Intention to unite the two Nations by a Marriage betwixt his Son and their young Queen (*i*); they all promiſed their Concurrence, ſo having taken Hoſtages for the Performance of what they had engaged, he diſmiſſed them to *Scotland* to forward his Project.

WHEN the Parliament met at *Edinburgh* on the 12th of *March anno* 1543 (*k*), the Lord Chamberlain judging this Match might be beneficial to the Country, as what would bury all former Feuds and Quarrels, and eſtabliſh a perpetual Friendſhip betwixt the two Nations, went into the Deſign. But tho' his Lordſhip in theſe Views did eſpouſe the Intereſt of *England* for a Time, yet upon other Thoughts, and being afraid that if the Treaty with that Kingdom ſhould take Effect, it might prove prejudicial to the then eſtabliſhed Religion, he fell off from the *Engliſh* Party (*l*), and eſpouſed the Intereſt of *France*, as what was thought more for the Advantage of *Scotland*: But the Lord

Cham-

(*a*) Charta penes Comitem de Wigton. (*b*) Ibid. (*c*) Ibid. ad annum 1540. (*d*) Ibid. ad annum 1541. (*e*) Original Contract in the Charter Cheſt of the noble Family of Drummond. (*f*) Charta penes Comitem de Wigton. (*g*) Mr. Drummond of Hathornden's Hiſt. of the five King James's of Scotland, laſt Edition in 1711. (*h*) Mr. Rymer's Fœdera Angliæ, where the learned and curious Author gives us the Ranſom that was ſet upon every Scots Nobleman and Gentleman, and tells us the Lord Fleeming's Ranſom was 300 L. Ster. (*i*) Biſhop Burnet's Hiſtory of the Reformation of the Church of England, Vol. 2. (*k*) Records of Parliament in the Archives of Scotland kept at Edinburgh. (*l*) Letters and Negotiations of Sir Ralph Sadler Ambaſſador of King Henry VIII. of England lately publiſhed.

Chamberlain was far from being alone in this; it ſeems to have been the general Senſe of the Nation; for tho' the Treaties of Peace and Marriage with *England* had been concluded, as hath been ſaid, yet the Parliament, by their Act the 11th of *December* 1543, *declared them to be expired, and not to be kept on the Part of* Scotland *(a)*.

In the Year 1545, the Lord Chamberlain being a very zealous *Roman* Catholick, as the Bulk of the Nation then were, did now found and endow a Collegiate Church at *Biggar* for a Provoſt, eight Prebends, four ſinging Boys, and ſix poor Men; the Preſentation and Patronage of which he reſerved to himſelf and his Succeſſors for ever *(b)*. This his Lordſhip did not long ſurvive; for, in Conſequence of the Breach of the Treaties with *England*, a War broke out betwixt the two Nations, that was firſt carried on very keenly by King *Henry* himſelf, and after his Death was as eagerly purſued by the Protecter of *England*, who at length invaded *Scotland* with a great Fleet and Army both by Sea and Land. The Governor of *Scotland* having raiſed an Army to oppoſe them, they met and engaged in a Bloody Battle at *Pinky* Field near *Muſſelburgh*, where many brave Man fell on the *Scots* Side, and among others the Lord *Fleeming* the Lord Chamberlain was there ſlain the 10th of *September* 1547 *(c)*, in the 53d Year of his Age. The Lord *Fleeming* was only once married, *viz.* with *Janet*, natural Daughter of King *James* IV. by *Agnes* Counteſs of *Bothwel*, who was Daughter of *James* Earl of *Buchan*, by whom he had two Sons, *James* Lord *Fleeming*, and *John* who was his Brother's Succeſſor; he had alſo five Daughters.

I. *Janet* married to *John* Maſter of *Livingſton*, Son and Heir apparent of *Alexander* Lord *Livingſton* *(d)*. He was ſlain at the Battle of *Pinky*, leaving no Iſſue.

II. *Agnes* to *William* Lord *Livingſton*, Mother by him to *Alexander* firſt Earl of *Linlithgow*, Sir *George Livingſton* of *Ogleface (e)*, and *William Livingſton*, of whom the late Branch of the *Livingſtons* of *Weſtquarter*, and of two Daughters the Lady *Elphinſton*, and the Lady *Brughton*.

III. *Margaret* married firſt to *Robert* Maſter of *Monroſe*, eldeſt Son of *William* ſecond Earl of *Monroſe* *(f)*; he was alſo ſlain at *Pinky*. After that ſhe married *Thomas* Maſter of *Erſkine*, Son and Heir apparent of *John* Lord *Erſkine*; and laſt of all ſhe became the Wife of *John* Earl of *Athole (g)*, who was Lord Chancellor in the Minority of King *James* VI.

IV. *Mary* to Sir *William Maitland* of *Leidington (h)*, Secretary of State in the Reign of Queen *Mary*.

V. *Jean* to *John Sandilands* of *Caldar* *(i)*, Anceſtor to the preſent Lord *Torphichen*; and after his Death ſhe was married to *David Crawfurd* of *Kerſe* *(k)*, by whom he had two Daughters who were his Heirs; *Margaret* who was married to *Patrick Maxwell* of *Newark*, and *Marion* to *David Boſwel* of *Achinleck*.

James Lord *Fleeming*

Was the third Lord in this noble Family who was ſucceſſively Great Chamberlain. He was the Son and Heir of *Malcolm* Lord *Fleeming* the late Lord Chamberlain, by *Jean* his Wife natural Siſter to King *James* V. as hath been ſaid. The young Lord *Fleeming* being a Nobleman of fine Parts and rare Abilities, was by the

(a) Records of Parliament 1543. *(b)* Foundation of the College Kirk of Biggar in the Hands of the Earl of Wigton, which I have ſeen. It bears Date at the City of Glaſgow the 16th Day of January 1545. *(c)* Charta penes Comitem de Wigton, Sir James Balfour's Annals, and other Hiſtorians. *(d)* Charta penes Comitem de Wigton. *(e)* Charta penes Georgium Livingſton de Badlormie. This Sir George Livingſton of Ogleface is in many Writes, I have ſeen in the Cuſtody of his great Grandſon the preſent Laird of Badlormie, deſigned Brother to Alexander the firſt Earl of Linlithgow. His Name was not William, as thro' a Miſtake I have called him in my Peerage, but George, of which I ſay there are very many Proofs. *(f)* Charta penes Comitem de Wigton, ad annum 1546. *(g)* Ibidem. *(h)* Charta in pub. Archivis. *(i)* Charta penes Dominum Torphichen. *(k)* Ibidem, ad annum 1581.

ſpecial Favour of Queen *Mary*, with Conſent of the Duke of *Chatlerault* the Governor, conſtituted Great Chamberlain of *Scotland* during Life, by Letters patent under the Great Seal, *March* 10th 1553 *(a)*. In the Commiſſion the eminent Services of his illuſtrious Father, *who loſt his Life in the Service of the Crown*, and who had ſhined ſo very conſpicuouſly in the ſame Station, both in that and the preceding Reign, are very elegantly ſet forth. The Lord Chamberlain growing daily more and more in Favour, the Queen Dowager, who was now Regent, was pleaſed, from a Confidence ſhe had in his Fidelity, as well as of his Abilities for the Service, to make him Guardian and Lieutenant both of the Eaſt and middle Marches toward *England*, *Guardianum & locum tenentum limitum occidentalum ac mediarum marchiarum Regni noſtri verſus Angliam:* He is likewiſe inveſted with a Power of Juſticiary, within the Limits of his Juriſdiction *(b)*; all theſe Offices being then at the Diſpoſal of the Crown by the Death of *Patrick* Earl of *Bothwell*.

In the Year 1557, the Lord Chamberlain having now the Reputation of a Nobleman of great Integrity and Superior to all Temptations of Infidelity, was one of the Commiſſioners named by the Parliament to go over to *France* to compleat the Marriage which had been formerly agreed to betwixt the Queen and the Dauphine. His Colleagues were Archbiſhop *Beaton* of *Glaſgow*, Biſhop *Reid* of *Orkney*, the Prior of St. *Andrews*, who was afterward Earl of *Murray*, the Earls of *Caſſils* and *Rotheſs*, the Lord *Seaton* Provoſt of *Edinburgh*, and Mr. *Erskine* of *Dun* Provoſt of *Montroſe*. I obſerve for the Expence of the Embaſſy there was a Tax laid upon the Kingdom to be paid in before *Eaſter* of 15000 Pounds *Scots* Money, that is, 1250 *L. Sterl.* that was to be levied by the ſame Proportion, that all other Taxes were levied; the one half was levied on the Spirituality, and two thirds of the other half was on Eſtates in Land, and the other third was levied on the Burroughs *(c)*. A ſmall Sum one would think to anſwer the Expence of ſo great an Embaſſy, and on ſuch an Occaſion. But this by the Way. Soon after the Arrival of the Commiſſioners in *France*, the Queen and the Dauphine were married at *Paris* on the 24th of *April* 1558 *(d)*, in Preſence of the Cardinals, *Bourbon*, *Lorrain*, *Chaſtilion*, and *Bertrand*, with many other of the great Men of *France*, and the Commiſſioners ſent from *Scotland:* But ſcarce any Thing adorned it more then the *Epithalamium* written upon it by the learned Mr. *Buchanan*, which was accounted one of the perfecteſt Pieces of *Latin* Poetry.

When the Solemnity was performed, and the Publick Rejoicings were over, the *Scots* Commiſſioners were ſent for to Council to tranſact what further was required with the Chancellor of *France:* And here it was propoſed to them to transfer the Regal Honours upon the Queen's Husband, and create the Dauphine King of *Scotland*. To this they anſwered, *That they had a limited Commiſſion, nor did their Powers extend ſo far.* The Chancellor added, *That no more was now demanded of them than what they were able to grant, and this was that when the Matter was debated in Parliament, they would engage to promote the Dauphine's Intereſt by their Suffrage and Authority.* The Commiſſioners returned, *That they neither could nor would go beyond the Bounds of their Office, and their Employment was ſubject to Limitation and Reſtraint; but granting they had Power to act at large, and all Fear of future Danger removed, it was not the Part of Friends to deſire of them what they could not promiſe to perform, without the*

(a) Original Commiſſion which I have had the Honour to peruſe among the Archives of the Family of Wigton. *(b)* Ibidem, the Commiſſion is on the 10th of October 1556. *(c)* Regiſters of the Council from April 1554 till January 1558, in the Kings Archives. *(d)* Mr. Buchanan on the Reign of Queen Mary, and the other Writers of her Life.

the Imputation of Diſhoneſty and Miſmanagement; that they would not be wanting in all the Inſtances of Friendlineſs and Affection toward the French; *but begged in Return they would be modeſt in their Demands, and not require that from them, which in Honour they could not comply with (a).* After this they were diſmiſſed from Court, and ſet forward in their Journey toward *Scotland*; but being advanced as far as *Deip*, the Biſhop of *Orkney*, the Earls of *Rotheſs* and *Caſſils* fell ſick and died. The Lord *Fleeming* the Chamberlain being apprehenſive of ſome Infection, returned back to *Paris*, where he died in great Compoſure of Mind ſoon after, on the 15th of *December* 1558 (*b*), when he had not fully attained to the Age of twenty four Years. Theſe ſudden Deaths of ſo many of the *Scots* Commiſſioners give Occaſion to ſuſpect foul Play, and that they were carried off by Poiſon; and this was the rather believed that the *French* King was known to reſent the Refuſal of the Crown to his Son, the very Imagination whereof gave great Diſtaſte, and increaſed the Averſion of the *Scots* to the *French* incredibly. This noble Lord had to Wife the Lady *Barbara Hamilton*, Daughter of *James* Duke of *Chatlerault*, by whom he had only one Daughter; and wiſely conſidering that his Title, for want of Heirs Male of his Body, was to deſcend to his Brother, he ſettled his Eſtate ſo as that the Honour might be properly ſupported (*c*), and at the ſame Time left an ample Portion, as theſe Times went, to his Daughter *Jean*, who was married to *John* firſt Lord *Thirlſtane* (*d*), and after his Death to *Gilbert* Earl of *Caſſils*.

John Lord *Fleeming*

WAS the fourth Great Chamberlain in a Succeſſion in this noble Family. He was the ſecond Son of *Malcolm* Lord *Fleeming* by Dame *Janet Stewart* his Wife, a natural Daughter of the Crown, as hath been ſaid in the preceeding Life. He came to the Honour of Lord *Fleeming* upon the Death of his Brother in the 1558; and afterward her Majeſty Queen *Mary*, in Comemoration of the Merit and Sufferings of his Father, and of his Brother, and the more to attach himſelf to the Crown, was graciouſly pleaſed to make him Lord Chamberlain for Life. His Commiſſion, which I have had the Honour to peruſe, bears Date the 30. of *June* 1565 (*e*).

AFTER that, in 1567, he had a Grant from the Queen of the Thirds of the Profits and Rents of the Priory of *Whittern*, as ſome Kind of Recompence of his Services to her Majeſty *from his Infancy*, and for the repairing the great Loſs and Damages he had ſuſtained *by the broken and rebellious Men of the South (f)*. And the ſame Year, the better to enable him, as I take it, to keep the Peace of the Country, he was made Juſticiary within the Bounds of the *Overward of* Clydſdale *and the Sheriffdom of* Peeblis (*g*). Having diſcharged all the ſeveral great Offices committed to his Truſt with ſingular Integrity, Her Majeſty, from an entire Confidence in his Fidelity, and of his Affection to her Service, was pleaſed to give him the Command of the Caſtle of *Dunbarton*, which, during the Time of the Troubles, he held

(*a*) Life of Mary Queen of Scotland. (*b*) Charta penes Comitem de Wigton. His Teſtament I have ſeen dated the 8th of November 1558. (*c*) Charta penes Comitem de Wigton, ad annum 1557. (*d*) Peerage of Scotland Article, Lauderdale, Page 250, 251, 252, 253, &c. (*e*) Penes Comitem de Wigton. The Great Seal at the Commiſſion is entire, and the faireſt I have ever ſeen; the Royal Arms is incircled with the Order of St. Andrew, the ſame being compoſed of Rue and Thiſtles alternately. (*f*) Charta penes Comitem de Wigton. (*g*) Ibidem.

out for the Queen's Intereſt againſt the Regents, till the 2d of *April* 1571 it was ſurprized and taken by Captain *Thomas Crawfurd* of *Jordanhill* (*a*). But tho' the Surprize was very unexpected, yet the Governor the Lord *Fleeming* found Means to eſcape all alone, by ſlipping down thro' the oblique Rock, and the Tide being in got away in a ſmall Boat that was lying in the River of *Clyde* to *Argyle* Shire (*b*), where he lay concealed for ſome Time, till a Veſſel was provided that in a few Days landed him ſafely in *France*. While he remained in that Kingdom, he negotiate all he could the Cauſe of his diſtreſſed Sovereign, and was ſo ſucceſsful, that, by the Aſſiſtance of her Friends there, he got ſome new Supplies of Money, Arms and Amunition, with which he came over himſelf the next Year, and got them ſafely conveyed to *Edinburgh*, which was ſtill in the Poſſeſſion of the Queen's Party: But he did not long ſurvive, for in about a Month thereafter he was accidentally hurt by a Shot of a Muſquet Bullet a little above the Knee, which rebounded from the Street, of which he died upon the 6th of *September* thereafter, *anno* 1572 (*c*). The Lady *Fleeming* the Lord Chamberlain's Wife was Dame *Jean Roſs*, only Daughter and Heir of *Robert* Maſter of *Roſs*, who was ſlain at the Battle of *Pinky*, Son and Heir apparent of *Ninian* Lord *Roſs* (*d*), by whom he had *John* Lord *Fleeming* his Son and Heir, who was afterward Earl of *Wigton* (*e*), and three Daughters; *Mary* married to Sir *James Douglaſs* of *Drumlanrig* (*f*), Anceſtor to his Grace the Duke of *Queensberry*, *Elizabeth* to Sir *Alexander Bruce* of *Airth* Knight, and had Iſſue, and *Margaret* to Sir *James Forreſter* of *Carden* Knight, and had Iſſue.

Eſme Duke of *Lennox*.

The Title of this Great Duke was at firſt *Signieur d' Aubigny*. It is a fair Eſtate in *Berry* in *France*, which *Charles* VII. King of *France* gave in Times paſt to Sir *John Stewart* of *Darnly*, as the Reward of the great Services he did that Crown while he was General of the *Scots* Auxiliaries there. He was ſlain in the Battle of *Herring*, *anno* 1429 (*g*), and ever ſince the Title of Lord *Aubigny* has belonged to the younger Sons of his illuſtrious Houſe; for immediately upon Sir *John*'s Death, his ſecond Son *John Stewart* was inveſted in the Lordſhip of *Aubigny*, which was enjoyed likewiſe by the famous *Bernard* Lord *Aubigny* his Son, who was General of the *French* Army under *Cha.* VIII. and *Lewis* XII. Kings of *France*, ſo much celebrated in the Hiſtory of thoſe Times. But he dying without any Iſſue of his Body, in 1508 (*h*), the Eſtate and Honour of *Aubigny* fell back again to the Houſe of *Darnly*, who were now Earls of *Lennox*, whereupon *Robert Stewart*, younger Brother to *Matthew* then Earl of *Lennox*, became Lord *Aubigny*. He was a brave Man, and died a Conſtable of *France*, but leaving no Iſſue neither, his Eſtate and Title came to a Nephew of his own, *John Stewart*, a younger Brother of *Matthew* Earl of *Lennox* the Regent, who was Grandfather to King

(*a*) Mr. Buchanan, Mr. Calderwood's Manuſcript Hiſtory of the Church of Scotland in the Library of the College of Glaſgow, Mr. Crawfurd of Drumſoy's Memoirs, and in ſhort all the Hiſtorians that have written upon Scots Affairs, have very particularly taken Notice of this memorable Tranſaction. The Caſtle of Dunbarton in thoſe Days was thought impregnable, which made the Governor the more ſecure: The Government thought ſo themſelves; for in a Gift to Captain Crawfurd, in Reward of that Service, they ſay, the Caſtle was omnium judicio expugnabile, labore & induſtria Capitanei Thomæ Crawfurd de Jordanhill Militi captum & expugnatum. (*b*) Bannatyn's Hiſtorical Collections M. S. penes Rob. Miln. (*c*) Archbiſhop Spotiſwood's Hiſtory of the Church of Scotland, and Drumſoy's Memoirs. (*d*) Charta penes Comitem de Wigton. (*e*) Peerage of Scotland, Article, Wigton, p. 491, 492, &c. (*f*) Charta penes ducem de Queensberry. (*g*) Hiſtory of the illuſtrious Family of the Stewarts. (*h*) Biſhop Leſly's Hiſtory of Scotland. The Lord Aubigny at this Time had been ſent over Ambaſſador from the Court of France to King James IV. and on his Way from Edinburgh to Stirling, where the Court then reſided, he died at Corſtorphine, where he was interred: His Funeral Monument is ſtill to be ſeen there.

King *James* VI. This Lord *Aubigny*, who was the Root of the late Dukes of *Lennox* (*a*), was Captain of the *Scots Gens d'Arms*, and Governor of *Avignon* in the Reign of King *Francis* I. and *Eſme* Lord *Aubigny* the firſt Duke of *Lennox*, the Lord Chamberlain, was his Son.

He had his Birth and Breeding in *France*, from whence he came over to *Scotland* in the 1579, to viſit the young King his Couſin, who received him with ſingular Affection, and was ſo well pleaſed with his Converſation, that in a very few Days after his firſt Appearance at Court he had a Grant of the Lordſhip of *Arbroath* (*b*), then he was created Earl of *Lennox* (*c*), Governor of *Dunbarton* Caſtle, Captain of the Guard, firſt Gentleman of the Bedchamber, and Great Chamberlain of *Scotland* (*d*), and Duke of *Lennox* (*e*). This ſudden Aſcent in ſo ſhort a Time, and the King's extraordinary Favour to the Duke, procured him Envy with many who ſecretly muttered, that he being of the *Romiſh* Religion, and devoted to the *Guiſes*, was ſent from *France* to proſilyte the King to the Church of *Rome*, and to turn his Affection from the *Engliſh* to the *French*. The King however, that knew better Things, that he might undeceive the People, and allay the Heats that ſuch Rumours might raiſe, ſent for ſome of the leading Men of the Clergy, and told them what Pains he had taken to convert his Couſin the Duke, and that he had prevailed with him to entertain a Miniſter in his Houſe; and therefore deſired that one of their Number might be pitched on for that Service. The King's Demand was ſo reaſonable, that it was inſtantly complied with, and Mr. *David Lindſay* the Miniſter at *Leith*, a worthy Man, and who was Maſter of the *French* Language, was recommended, and the King approved of the Choice. Mr. *Lindſay* performed to great Satisfaction, and in a ſhort Time converted the Duke, and brought him to recant the Errors of Popery publickly in the Church of St. *Giles* at *Edinburgh*. But all this was not enough to remove the Peoples Prejudices againſt the Duke as to his Religion; for ſome Diſpenſations

(*a*) Genealogical Hiſtory of the Royal Family of the Stewarts. (*b*) The firſt Grant of Lands I find his Lordſhip got when he came over was the Abbacy of Arbroath, which was then in the Crown, by the Forfeiture of Lord John Hamilton, Son to the Duke of Chatlerault. It bears Date in the Regiſters of the Privy Seal the 14th of November 1579. (*c*) Ibidem, 5th March 1580. The Grant is to the Heirs Male of his Body allenarly, which failing, to return to the Crown, the King's Great Uncle, and the Duke's own Uncle, the Biſhop of Caithneſs at the ſame Time reſigning the Title, and who, in Lieu thereof, was made Earl of March. (*d*) Ibid. By the Office, as it was at this Time conſtituted, there were twenty four Gentlemen, all the Sons of Barons or Noblemen, who were to attend the Chamberlain, and be ever at Hand to accompany the King whereſoever he went, but eſpecially as my Voucher has it, *to wait upon him when he went to his Sport in the Fields*. Thoſe who had the Honour to be named at firſt, were the Maſters of Mariſhal, Rotheſs, Caſſils, Lindſay, Livingſton, Elphinſton, Herris and Ogilvy; the Lairds of Coldingknows, Bargeny, Bomby, Kilſyth, Minto, Strathurd and Mowcrief, Mr. Mark Ker, Captain James Stewart, Alex. Ruthven the Commendator of Inchoffray, the Prior of Coldinghame Alex. Home of Northberwick, and James Chiſholme. As Extraordinaries the Lord Maxwell, the Lairds of Ceſsfurd, Manderſton, and William Stewart of Caverſton. They were obliged to take an Oath of Fidelity to the King, and Obedience to the Chamberlain in whatſoever they ſhould be directed in for his Majeſty's Service. Moſt of theſe were ſoon afterward changed, and a new Nomination made of the following Perſons, which I copied from an original Liſt in the Hands of the Lord Cathcart, ſaid to be *the Names of the Twenty five Gentlemen Penſioners appointit to attend upon the King's Majeſty at all Times at his Ryding and paſſing to the Fields. Captain* James Stewart *Son to the Lord Ochiltree, Captain* Thomas Crawfurd *Son to the Laird of Kilbirny, and who was himſelf the firſt of the Houſe of Jordanhill*, Captain David Home, Captain Robert Montgomery, the Maſter of Cathcart, William Stewart Brother to the Laird of Traquair, the Prior of Blantyre, the Laird of Cammichael, Roger Aſhton Engliſhman, the Laird of Balwaird, the young Laird of Anſtruther, the young Laird of Dalziel, the young Laird of Polwarth, the young Laird of Sauchy, James Chiſholm younger of Cromlix, Mr. James Durham, John Stewart Brother to the Lord Innermeath, *Andrew Maule a younger Son of the Family of Panmure*, Patrick Murray, James Friſel, Colin Campbel, James Gib, the young Laird of Craigiehall, the Laird of Ardoſs, John Stewart of Bute, the young Laird of Glaſwell, Mr. William Leſly, the Laird of Guthrie. This Liſt is ſaid to be *by the King's Majeſty's Command*. (*e*) The Patent it ſelf creating him Duke I have not ſeen, tho' I ſearched for it. Archbiſhop Spotiſwod ſays it was in Auguſt 1581, and I believe he is very right; for there is a Charter to him of the Dukedom and Regality of Lennox, 13th of December 1581, in the Warrants of the Privy Seal, tho' it is not recorded in the Regiſters of the Great Seal that I could find.

from *Rome* being about this Time intercepted, which indulged a ſtrange Latitude, and gave the Papiſts Leave to comply to what Lengths they pleaſed, and to ſubſcribe to any Articles put upon them, but with this *Proviſo*, that their Mind ſhould not go along with their Practice, and that they ſhould ſtill act behind the Schene for the old Intereſt. Theſe Diſpenſations being brought to the King, he ordered his own Domeſtick Miniſter Mr. *Craig* to draw up a ſhort Confeſſion of Faith, which moſtly turned upon Negatives, wherein the Doctrine and Ceremonies peculiar to the Church of *Rome* were particularly abjured, and a Clauſe inſerted to meet with the Diſpenſations; for the Subſcribers called God to Witneſs that they ſigned heartily and ſincerely; and to ſet an Example to the Subjects, the King, the Duke of *Lennox*, the Council, and the whole Court ſubſcribed the Confeſſion.

The Duke being ſtill more and more deſirous to gain the good Opinion of the Clergy, ſent Sir *William Stewart* of *Traquair* to the General Aſſembly, with a Letter importing, 'That they were not unacquainted 'with his being brought over to a right 'Profeſſion in religious Matters: That 'he preferred that Bleſſing to all ſe-'cular Advantages whatſoever; That 'he had renounced publickly his Mi-'ſtakes, and ſubſcribed the negative 'Confeſſion: And that if any Thing 'further was required to manifeſt the 'Reality of his Change, he was ready 'to perform it'(*a*). But all this Profeſſion of Sincerity could not make him believed, but he was ſtill charged with Diſſimulation, and of being a Papiſt in his Heart. There was nothing that I can ſee heightned the Prejudices of the Clergy more againſt the Duke, then the recommending one Mr. *Montgomery* a Miniſter at *Stirling*, none of the beſt of Men, to the See of *Glaſgow*; and indeed it cannot be denied, that whoſoever put the Duke upon it, conſulted more his Intereſt then his Honour; for Mr. *Montgomery* was no ſooner legally inveſted in the Benefice, then he conveyed the whole Lordſhips, Profits, and Juriſdictions of the Arch-biſhoprick to his Grace himſelf, upon the Conſideration of 1000 *L. Scots per Annum*, and ſome of the ſmall Caſualities of the Vaſſals within the Regality. The Church reſenting this Alienation, and the Biſhops other Practices, ſummoned him to the Synod of *Stirling*; and upon his refuſing to appear, they ſuſpended him from his Function. The Duke took no notice of the Sentence, but for all that kept the Biſhop about him, and cauſed him preach before him. This Ferment in the Church gave the Duke's Enemies a new Handle to execute a Plot againſt him; They had been of a long while contriving to remove him from his Majeſty's Preſence and Councils, as the Author of all the Miſchiefs they either then ſuffered or were threatned with: For ſhortly after this, as the King was returning from the Stag-hunting in *Athole*, in his Way toward *Dunfermling*, he was invited by the Earl of *Gowry* to his Houſe of *Ruthven* near *Perth*; the Earl, who was at the Head of the Conſpiracy, inſtantly ſent to advertiſe his Friends of what had happened, whereupon ſeverals of the diſcontented Nobility, and all thoſe that were in the *Engliſh* Intereſt at hand repaired to *Ruthven*, where without any Ceremony they reſolved to detain the King and keep him a Priſoner, 23. of *Auguſt* 1582. The next Day, when his Majeſty thought to go away, they ſtopt him; and Sir *Thomas Lyon*, the Tutor of *Glamis*, ſomewhat bolder then the reſt, when the King was eſſaying to get out, and his Heart very great, to be ſure, for ſuch hard Treatment, he ſtept his Foot to the Door, and after ſome Expoſtulations rude enough, he told him, *It was no Matter for his Tears, better*, ſaid he, *that Bairns greet than bearded Men* (*b*).

The

(*a*) Archbiſhop Spotiſwood's Church Hiſtory. (*b*) Ibidem.

THE Duke who was then at *Dalkeith*, upon hearing of what had fallen out, ſent ſome of the Nobility who were with him to enquire at the King in what Condition he was, and if he was a Priſoner as was reported, he might with the Aſſiſtance of his other good Subjects endeavour to ſet him free; whereupon his Majeſty cried out, 'He was a Priſoner, 'which he deſired all his Subjects 'ſhould know, and that the Duke 'ſhould do what he could toward the 'procuring of his Liberty;' To which one of the Lords made Anſwer, 'That 'he might go where he pleaſed, if he 'would diſmiſs the Duke and the Earl 'of *Arran* from his Councils, that 'they might no longer oppreſs the 'Church and the Kingdom as they had done.' They further prevailed with his Majeſty to ſend his Orders to the Duke to leave the Kingdom, otherwiſe they told him, *They would be forced to bring him to an Account of his Doings, and to proceed againſt him with the Rigour of the Law* (*a*). The Duke being a Man of a mild Spirit, and all Obedience and Submiſſion, did for the Publick Quiet's Sake, acquieſce in all the hard Things had been put upon him. There was one Thing however he begged, that before his Departure, he might be allowed the Honour to kiſs his Majeſty's Hand, and bid him farewel; but the Favour was denied him, which he took very heavily.

IN the beginning of *December* 1582, he took his Journey thro' *England* for *France*; but either thro' the Rigour of the Seaſon or the Uneaſineſs of his Mind, he fell into a Diſſentery or a Bloody Flux, of which he died at *Paris* 26th of *May* 1583. But tho' he complained of the ill Uſage he had received from the Clergy, while he was in *Scotland*, yet he died notwithſtanding in the Communion of the reformed Church, thereby confuting the Malice of theſe who had ſo unjuſtly defamed him to have been a Papiſt. The King, as he exceedingly loved his Couſin the Duke whilſt he lived; ſo being now dead he had him in grateful Remembrance, did all he could to reſtore his good Name and Reputation, which had been blemiſhed and ſtained, and took Care to ſuppreſs certain Pamphlets that were write at that Time purpoſely to defame him. His Children he ſent for out of *France*, whom he advanced to great Riches and Honour, as we ſhall more fully ſhow by and by. The Duke was married to a *French* Lady *Katharine*, Daughter of *William de Balſack Count de Antrague*, by whom he had *Lodovick* his Succeſſor in his Father's Honours, *Eſme* Lord *Aubigny*, who was afterward Duke of *Lennox*; and two Daughters whom the King matched nobly; the Lady *Henriette* he married to *George* firſt Marquis of *Huntly*, and the Lady *Mary* to *John* Earl of *Mar*.

Lodovick Duke of *Lennox*

WAS the Son and Heir of *Eſme* Duke of *Lennox*. He was born in *France* on the 29th of *September* 1574. Upon the Death of his Father the King, as hath been ſaid, ſent the Maſter of *Gray* to bring him over to *Scotland* (*b*), took great Care in his Education, and placed a very worthy Man Dr. *Moncrief* to be his Governor. As the young Duke grew in Years, the King heaped Honours upon him; for in the 1584, he made him firſt Gentleman of the Bedchamber, Lord High Chamberlain for Life, and then gave him that great Office to be held by Inheritance in his Family (*c*): And that he might be as eaſie in his Circumſtances, as he was illuſtrious in his Title, he gave him the Lordſhips of *Dalkeith*, *Methven*, *Balquhidder*, together with the whole Revenues, Pro-

(*a*) Archbiſhop Spottiſwood's Hiſtory of the Church of Scotland. (*b*) Ibidem. (*c*) Warrant in the Regiſters of the Privy Seal, for a Charter to paſs the Great Seal, conſtituting Lodovick Duke of Lennox Great Chamberlain of Scotland, and firſt Gentleman of the Bedchamber for all the Days of his Lifetime, vacant thro' Deceaſe of his Father, and Alexander Erskine of Goger made Vice-chamberlain and Depute to the young Duke in the Office, 23d of November 1583.

fits, and Juriſdictions of the Archbiſhoprick of *Glaſgow* (*a*), but this Grant, I obſerve, was only during Pleaſure, and it was not long before it was revoked, and the See was filled with a kind of Titular, Mr. *Erskine* the Parſon of *Campſy* (*b*). In ſhort there was nothing fell in the King's Way to give, that could any way aggrandize the Duke, but it was beſtowed upon him, either in Juriſdictions, Offices or Commiſſions; for he was made High Admiral of *Scotland*, upon the Forfeiture of the Earl of *Bothwell*, and not long after ſent to *France* to compliment King *Henry* IV. in the Name of his Maſter King *James*, *rather*, ſays my Author (*c*), who it muſt be allowed very well knew, *for confirming the old Amity and Friendſhip than for any Buſineſs elſe.*

UPON King *James*'s Acceſſion to the *Engliſh* Crown he carried the Duke with him into *England*; and that his Grace might appear with the greater Luſtre in that Kingdom, he was ſworn immediately of the Privy Council, while his Majeſty was at *Theobalds* in his Way to *London* (*d*), and upon the 23. of *July* thereafter, *anno* 1603, he was with Prince *Henry*, the Earls of *Southampton*, *Mar* and *Pembroke*, inſtalled Knights of the moſt noble Order of the Garter (*e*).

AFTER the King went to *England*, one of his great Deſigns ſeems to have been to try what he could do to bring about a more compleat Union of the two Kingdoms: But tho' the reſpective Parliaments of both Nations, in the 1604, paſſed an Act to authorize Commiſſioners to manage the Affair, yet it had not the deſired Effect; however, His Majeſty ſtill continuing zealous for an Union, he would needs once more try to promote this great Work. He naturally thought that the Affair would be more eaſily affected if a Beginning was made in *Scotland*; and therefore he called a Parliament to meet in that Kingdom on the 11th of *Auguſt* 1607, which was held by his Grace the Duke of *Lennox* as Commiſſioner for his Majeſty (*f*). The Parliament, to ſatisfie the King's Deſire, came the Length to allow, all the Articles that ſhould be concluded by the Commiſſioners in the Treaty, with this *Proviſo*, that the ſame ſhould be in like Manner ratified by the Parliament of *England*, otherwiſe the Concluſions taken ſhould not have the Force of a Law. And it was alſo declared, 'That if the Union ſhould 'take Effect, the Kingdom of *Scotland* 'notwithſtanding ſhould remain an 'abſolute and free Monarchy, and the 'fundamental Laws receive no Alte-'ration (*g*).' But after all the King's Endeavours, by the Suſpicions of the *Engliſh* of his Majeſty's Partiality to his Native Country, the whole Deſign fell and ſunk to nothing.

THE Duke being now as great as he could be in his own Country, it was thought neceſſary, the more to aggrandize him, that he ſhould be made a Peer of *England*, and thereupon his Majeſty was graciouſly pleaſed to create his Grace Baron of *Setterington*, Earl of *Newcaſtle* upon *Tine*, and Duke of *Richmond* (*h*); and the better to ſupport his New Dignity, and the Character of the King's neareſt Couſin at the *Engliſh* Court, he was made Maſter of the Houſhold, firſt Gentleman of the Bed-chamber, Lord Lieutenant of the County of *Kent*, and one of the Commiſſioners for executing the Office of Lord Keeper of the Great Seal of *England* (*i*). In ſhort, his Grace was ſo compleat a Favourite, that he had whatſoever Offices or Places of Truſt he moſt affected to himſelf

(*a*) Regiſters of the Privy-Seal. The Gift is of the Date 29 of July 1583. In the Warrant of the Charter he is deſignedonly Lord Aubigny, and the Earl of March his Uncle is appointed Adminiſtrator to him. (*b*) Reliquiæ Sancti Kentigerni, M.S. penes me. (*c*) Archbiſhop Spotiſwood's Hiſtory of the Church of Scotland, Page 465. (*d*) Mr. Echard's Hiſtory of England. (*e*) Cambden's Annals. (*f*) Acts of Parliament. The Duke's Commiſſion to repreſent his Majeſty's Perſon, bears Date 3d of July 1607. (*g*) Archbiſhop Spotiſwood's Hiſtory of the Church of Scotland. (*h*) Sir William Dugdale's Baronage of England, Vol. 2. (*i*) Cambden's Annals.

ſelf or his Friends in either Kingdoms, and with this Circumſtance of Felicity, that his Greatneſs was neither murmured nor repined at.

BUT all theſe Smiles of Fortune, and all his Worldly Grandeur, could not ſecure againſt the Stroak of Death, nor free him from that Debt of Nature that all Men muſt pay; for in the Height of all his increaſing Glories, he was ſuddenly ſeized with a Fit of an Apoplexy, which in a few Hours put a Period to his Life, on the 16th of *February* 1624, in the 49th Year of his Age (*a*). The King was ſo much ſtruck with the Grief of the Duke's Death, that tho' the Parliament of *England* was ſummoned to meet that Day, and the King ready to go to the Houſe, it was put off for ſome Days following, his Majeſty dedicating ſome Part of that Time to the Memory of his dead Couſin and Servant, in condoling his Death. His Body was conveyed with all imaginable Pomp and Solemnity from his Lodgings in *Whitehall*, to the Abbey Church of *Weſtminſter*, and was buried in the Chappel of King *Henry* VII. where the Lady *Francis* his Dutcheſs erected a moſt ſtately and magnificent Tomb to his Memory of Caſt Braſs, where on a Pedeſtal of black Marble and Touch, inlaid moſt curiouſly with Gilt Braſs, and adorned with Coats of Arms, are the Statues of the Duke and his Lady in a cumbent Poſture, at full Proportion, in their Ducal Robes, under a Canopy of curious Workmanſhip, ſupported by four Figures as large as the Life, repreſenting *Faith*, *Hope*, *Charity* and *Prudence*, in their *Cypreſs* Vails; on the Top of the Canopy is a Fame, and round about diverſe *Cenſers*, *Angels*, *Hymens*, *Cupids*, and great Variety of other Images, which renders the whole a moſt magnificent and admirable Piece of Work. The Latin Inſcription engraved thereupon, here follows, and the ſame alſo tranſlated into *Engliſh* (*b*).

Depoſitum, illuſtriſſimi & excellentiſſimi principis Ludovici Stuarti, Eſmei Leviniæ ducis filii Joannis propatrui ſere. regis Jacobi nepotis Richmondiæ & Leviniæ ducis, Novi Caſtelli ad Tinam & Darnliæ comitis, &c. Magni Scotiæ Camerarii, & Thalaſſiarchæ hereditarie, ſacri palatii Jacobi regis Seneſchalli, cubiculariorumq; principalium primi, regi ſanctioribus conſiliis,

San. Georgiani ordinis eq; Scoticorumq; per Gallias

Cataphractorum præfecti,

Viri excelſi ad omnia magna & bona nati ad meliora defuncti.

Vixit annos 49, *menſes* 4, *dies* 17.

2 SAM. iii. 38.

Chronog. An ignoratis quia princeps & vir magnus obiit hodie, 16. *Feb. primo generalium regni Comitoriorum deſignato.*

Engliſhed thus.

HERE lies buried the Body of the moſt illuſtrious and excellent Prince, *Ludovick*, Son of *Eſme* Duke of *Lennox*, Grandſon of *John* Great-uncle to the moſt Serene Prince *James* I. Duke of *Richmond* and *Lennox*, Earl of *Newcaſtle* upon *Tyne*, and *Darnly*, Chamberlain and hereditary Admiral of *Scotland*, Lord High Steward of the Houſhold, firſt Gentleman of the Bed-chamber, and Privy Counſeller to his ſacred Majeſty King *James*, Knight of the Garter, Captain of the

(*a*) Archbiſhop Spotiſwood's Church Hiſtory, Sir William Dugdale's Baronage of England, and the Inſcription on the Duke's Tomb. (*b*) I chuſe the rather to tranſlate it, becauſe Mr. Dart, who has engliſhed it in his Weſt-monaſterium, or the Hiſtory of the Abbey Church of Weſtminſter, has fallen into ſeveral palpable Miſtakes. He renders propatrui Jacobi I. to be Nephew to King James; whereas it is plain they were third Couſins, that is, their Grandfathers were Brothers. He next miſtakes the Duke's Place of Captain of the Scots Gens d'Arms in France to be Ambaſſador to France. But the greateſt Blunder of all is in tranſlating Primo generalium regni comitorium deſignato, as one of the great Princes of the Land; whereas the plain Meaning is, that his Grace died the Morning of that Day the Parliament of England was to begin.

Scots Gens d'Armes in *France*; a Prince born to every Thing that was great and good, but gone to far better.

He lived 49 Years, 4 Months and 17 Days.

2 Sam. iii. 38.

Know ye not that a Prince and a great Man is this Day dead, 16th February, the Day appointed for the firſt Meeting of the Parliament.

Altho' the Duke of *Lennox* and *Richmond* had been thrice married; firſt to a Daughter of the Earl of *Gowrie*'s, next to a Siſter of the Lord *London*'s, and laſt of all to the Counteſs of *Hartford*, yet he left no ſurviving lawful Iſſue; ſo that the Honours and hereditary Offices of this Princely and Illuſtrious Family went in the due Courſe of Succeſſion to his only Brother, *Eſme* then Earl of *March*, who is the next Lord Chamberlain.

Eſme Duke of *Lennox*

Was the ſecond Son of *Eſme* firſt Duke of *Lennox*, by the Lady *Katharine de Balſack* his Dutcheſs. While he was young he bore the Title of Lord *Aubigny*, as we ſee the younger Brothers of this moſt noble Family had done for near 200 Years before. As to the preciſe Time of his Birth, I cannot be poſitive, but he was ſeveral Years younger then his elder Brother the Duke; for upon the Death of their Father, when the King brought over the Duke, and his two Siſters to *Scotland*, the Lord *Aubigny* was thought too young to undertake ſuch a Voyage (*a*), and thereupon he was left in *France* under the Care of his Mother, who gave him a noble Education, and by the Time he was 21 Years old, ſent him over to *England* not long after King *James*'s Acceſſion to the Crown of that Realm. His Majeſty received his young Couſin the Lord *Aubigny* with ſingular Kindneſs and Affection; and by his Royal Mediation, ſoon thereafter he obtained the ſole Daughter and Heir of Sir *Gervaiſe Clifton* to be given him in Marriage, by which he had a fair Fortune in Land provided to any Children he ſhould have; and in Honour of the Alliance, Sir *Gervaiſe* was created a Peer of *England*, by the Title of Baron *Clifton* of *Lighton Bromſwold* (*b*), upon whoſe Death the Lord *Aubigny* got a new Patent for that Honour, and was at the ſame Time further dignified with the Title of Earl of *March* in *England*, the 17th of *June* 1620 (*c*). He came to be Duke of *Lennox*, &c. upon the Death of his Brother; but theſe Honours his Grace did not long enjoy, for he died in leſs than a Year thereafter, *viz.* on the 14th of *February* 1625, and was buried within the ſame Chappel where the Duke his Brother lies, but without any Monument. By *Katharine* his Wife, Daughter and ſole Heir of *Gervaiſe* Lord *Clifton* aforeſaid, the Duke left Iſſue, ſeven Sons and three Daughters. *Firſt*, *James* Duke of *Lennox* his eldeſt Son the next Lord Chamberlain; *Second*, *Henry*; *Third*, *Francis*, who both died young; *Fourth*, *George* Lord *Aubigny*, who was killed in the Royal Cauſe at the Battle of *Kenneton*, 27th of *October* 1642, *A Gentleman*, ſays the Earl of *Clarendon*, *of great Hopes, of a gentle and winning Diſpoſition, and of very clear Courage.* His Body was brought off and buried at *Chriſt's-Church* in *Oxford*; *Fifth*, *Lodovick*, uſually ſtiled Lord *Aubigny*, who took Orders in the Church of *Rome*, and was a Canon of the Cathedral Church of *Notredame* at *Paris*; *Sixth*, *John* who was General of the Horſe to King *Charles* I. at the Battle of *Alresford*, where he loſt his Life, 29th *March* 1644 (*d*). The noble Hiſtorian

(*a*) Archbiſhop Spotiſwood's Hiſtory of the Church of Scotland. (*b*) Sir William Dugdale's Baronage of England, Vol. 2. (*c*) Ibidem. This Title being to the Heirs whatſoever, the Honour is ſtill enjoyed by the Duke's Heirs Female and their Deſcendents. (*d*) Earl of Clarendon's Hiſtory of the Civil Wars.

rian says, *He was a young Man of extraordinary Hope, little more than one and twenty Years of Age, who being of a more cholerick and rough Nature than the other Branches of that illustrious and princely Family, was not delighted with the Softnesses of the Court, but had dedicated himself to the Profession of Arms, where he did not think the Scene should have been in his own Country. His Courage was so signal that Way, that too much could not be expected from it; and he was so generally beloved, that he could not but be very generally lamented. Seventh, Bernard* a valiant young Nobleman who commanded the King's own Guards, in the Time of the Civil War, and was by His Majesty King *Charles* created Earl of *Litchfield* (*a*). He was slain at the Battle of *Chester*, 26th of *September* 1645 (*b*), being as the Lord *Clarendon* observes, *The third Brother of this illustrious Family, who sacrificed their Lives in this Quarrel*, meaning the King's Service. In setting down his Character he says, *The brave Earl of* Litchfield *was a very faultless young Man, of a most gentle, courteous and affable Nature, and of a Spirit and Courage invincible, whose Loss all Men exceedingly lamented, and the King bore it with extraordinary Grief.* The Lady *Elizabeth* the Duke's eldest Daughter was married to *Henry* Lord *Maltrevers*, Son and Heir to *Henry* Earl of *Arundel* (*c*), Lady *Anne* the second to *Archibald* Earl of *Angus*, Son and Heir apparent to *William* first Marquis of *Douglass* (*d*), Lady *Frances* the third Daughter to *Jerom* Lord *Weston*, Son and Heir of *Richard* Earl of *Portland* Lord High Treasurer of *England*.

James Duke of *Lennox*

Was the Son and Heir of *Esme* Duke of *Lennox* by *Katharine* his Wife aforesaid, Daughter and sole Heir of *Gervase* Lord *Clifton* of *Leighton-Bromsfield*, by *Anne* his Wife Daughter of Sir *Henry Darcy* of *Brimham* Knight (*e*). His Grace was born at *Black-friers* in *London*, 6th of *April* 1611 (*f*), and being left young at his Father's Death the King, to whom the Duke was the nearest allied of any Subject, took great Care of his Education, and sent him into *France*, *Italy* and *Spain*, where he was created a Grandee of that Kingdom (*g*), and as soon as he returned, though he was scarce one and twenty Years of Age, made him a Privy-counsellor; and shortly after, says a noble and celebrated Historian, *out of his abundant Kindness to both Families, married him to the Lady* Mary Villiars, *the sole Daughter of his dead Favourite the Duke of* Buckingham, which brought him a considerable Portion, with which, and his Majesties great Bounties, he became as easie in his Fortune as he was very eminent in his Title. But all this while being only an *English* Earl, his Majesty was pleased to create him Duke of *Richmond*, by Letters Patent bearing Date the 8th of *August* 1642 (*h*), and to the Heirs Male of his Body, which failing to all his Brothers successively, and the Issue Male of their Bodies. As his Grace the Duke was great Chamberlain and High Admiral of *Scotland* by Descent and Inheritance; so his Majesty King *Charles* was graciously pleased to bestow upon him the greatest Offices about the Court in *England*; for he made him first Gentleman of the Bed-chamber, Lord High Steward of the Houshold, Warden of the Cinque-Ports, and Knight of the Garter (*i*). The Earl of *Clarendon* says, "His Grace the Duke was very "worthy of all the Favour the King "had shewed him; for throughout the "whole Course of the War, he was so

(*a*) Earl of Clarendon's History of the Civil War. (*b*) Clarendon, and Mr. Echard's History of England. (*c*) Dugdale's Baronage of England. (*d*) Peerage of Scotland, Page 262, Article, Lennox. (*e*) Sir William Dugdale's Baronage of England. (*f*) Ibidem (*g*) Earl of Clarendon's History of the Civil War. (*h*) Dugdale's Baronage of England. (*i*) Earl of Clarendon's History.

'immoveable in his Loyalty, and made 'so entire a Refignation of himſelf to 'the King, that he abhorred all Arti-'fices to ſhelter himſelf from the Pre-'judice of thoſe, who, how powerful 'ſoever, failed in their Duty to his 'Majeſty; and therefore he was pur-'ſued with all imaginable Malice by 'them, as one that would have no 'Quarter upon ſo infamous Terms, as 'but looking on whilſt his Maſter was 'ill uſed.' My former noble Author adds, 'As the Duke had received great 'Bounties from the King, ſo his Grace 'ſacrificed all he had to his Service, 'aſſoon as his Occaſions required it, 'and lent his Majeſty at one Time 'Twenty thouſand Pound together; 'and aſſoon as the War began, he en-'gaged his three Brothers all gallant 'Gentlemen in the Service, in which 'they all loſt their Lives.' The Duke himſelf lived with unſpotted Fidelity ſome Years after the Murder of his Maſter, and was ſuffered to put him into his Grave; but had not the Comfort of ſeeing the Reſtoration of his Son. He died of a Quartan Ague, on the 30th of *March* 1655, in the forty fourth Year of his Age, having never had his Health nor yet his Spirits ſince the deplorable Death of his Maſter, for the ſaving of whoſe Life, he had the Honour to offer his own (*a*). He was buried in the Chappel of King *Henry* VII. within the Abbey Church of *Weſtminſter*, near the magnificent Tomb of his Uncle *Lodovick* the firſt Duke of *Richmond*. By the Lady *Mary Villiers* his Dutcheſs, the Duke of *Buckingham*'s Daughter, as hath been ſaid, his Grace left behind him a Son *Eſme*, who ſucceeded him in all his Honours, Dignities and Offices that were hereditary; and one Daughter, the Lady *Mary* who was married to *Richard* Earl of *Arran* of the Kingdom of *Ireland*, Son to *James* the firſt Duke of *Ormond* (*b*). The Youth of the young Duke of *Lennox* would not allow him to ſhew himſelf much to the World, being a young Nobleman of very promiſing Hopes, and therefore I cannot ſay any Thing of Conſequence concerning him, only that the Dutcheſs his Mother ſent him over to be bred in *France*, where he died at *Paris* on the 11th of *Auguſt* 1660, before he was fully eleven Years old (*c*). He was brought over to *England*, and his Heart repoſited in an Urn, and his Body under a Pyramide of Black and White Marble ſupporting the Urn, at the Feet of his Uncle Duke *Lodovick*'s Monument, in King *Henry* VII^th's Chappel at *Weſtminſter* Abbey (*d*). This Pyramide was erected to the Memory of the young Duke by the Lady *Mary* the Dutcheſs Dowager of *Lennox* and *Richmond* his Mother, out of her great Affection to her deareſt Son (*e*); the Epitaph on the Baſe of which is as follows,

S. M.

Hac in urna includitur cor, infra requieſcit corpus illuſtriſſimi Ducis Eſme Stuart; parentes qui querit, ſciat illum a patre Jacobi primum Levinie deinde Richmondie & Levinie Duce, eundem honoris titulum accepiſſe, a matre vero Maria Georgii Ducis Buckinghamie filia unica, vitam & ſpiritum hauſiſſe, quem poſtea Pariſiis afflavit ætatis ſuæ 11. *menſe Auguſti die* 14, *anno ſalutis humanæ* 1660.

Charles Duke of *Lennox*

WAS the only Son of *George* Lord *Aubigny*, who was ſlain at the Battle of *Edgehill*, by the Lady *Katharine Howard* his Wife, Daughter of *Theophilus* Earl of *Suffolk* (*f*). While this noble Lord was but very young, his Majeſty King *Charles* I. in grateful Remembrance of the Memory of his Father, and of the ſingular Merit of the Lord *Bernard Stewart* his Uncle, was graciouſly pleaſed

(*a*) Mr. Echard's Hiſtory of England. (*b*) Dugdale's Baronage of England. (*c*) Ibidem. (*d*) Mr. Dart's Hiſtory of the Abbey Church of Weſtminſter. (*e*) Ibidem. (*f*) Sir William Dugdale's Baronage of England, and the Peerage of Scotland.

pleaſed to raiſe him to the Honours of Lord *Stewart* of *Newburry*, and Earl of *Litchfield*, by Letters patent, 21ſt *December* 1645 (*a*), and upon the Death of his Couſin, in *Auguſt* 1660, he became Duke of *Lennox* and *Richmond*, Great Chamberlain and Lord High Admiral of *Scotland*, and to the full Poſſeſſion of all the other great Offices that belonged hereditarily to this illuſtrious and princely Family.

UPON the Reſtoration it was expected, that conſidering that the Duke's own Father, and two of his Uncles had loſt their Lives in the Royal Cauſe, and that he was the neareſt Relation himſelf that the King had of any other that was not deſcended of his Grandfather King *James*, that His Majeſty would in a moſt particular Manner have taken him into his Favour; but I can ſee nothing his Grace received, as any ſpecial Mark of Kindneſs, ſave the Compliment of the Garter, which was beſtowed upon him the 16th of *April* 1661, when the Number of the Knights were then ſettled and compleated, the better to grace the Solemnity of the Coronation, which was then drawing near (*b*). Some have imputed this Neglect of the Duke of *Lennox* to a private Reſentment of the King's againſt him, for marrying unwarrily one Mrs. *Stewart*, a beautiful young Lady, who was a Niece of the Lord *Blantyre*'s, as if he had thereby countermined the King in a Grand Deſign he had of divorcing from his Queen, and of marrying Mrs. *Stewart* himſelf; how true this may be, I cannot ſay, but ſo much is certain, that how ſoon the King was informed of the Marriage, the Duke and his new Dutcheſs was baniſhed the Court, and the Lord *Clarendon*, who was ſuſpected to have brought the Match about, was from that Moment diſgraced, and given up to the Rage of his Enemies. Notwithſtanding this High Diſpleaſure, the King, who could not well but have a Value for ſo near a Relation, in no long Time after admitted him to the Court again, and received him into greater Favour than ever; for in a few Years after this his Majeſty was pleaſed to ſend him Ambaſſador Extraordinary to *Denmark*, to invite that King to come into the Alliance with *England* and *France*, againſt the States of *Holland* (*c*). But the Entertainments at that Court ſoon raiſed his Blood ſo high, that he fell into a Fever, of which he died at *Elſinure* on the 2d of *December* 1672 (*d*). And we may here obſerve, that ſo little do the Events of Things anſwer their Appearances, that, tho' at the Death of the Duke's Grandfather, which was leſs than fifty Years before this, he left a Family of Seven Sons, all young and graceful Perſons, that promiſed a numerous Iſſue, yet they did all moulder away ſo faſt, that now at the Duke's Death there was not one of them, nor any Iſſue Male deſcended of them remaining; ſo that the Eſtate and Offices of the Houſe of *Lennox* fell by Right of Blood to the King himſelf, both as the Duke's neareſt Heir Male, and of Tailie, and to whom he was ſerved and retoured Heir the 6th of *July* 1680.

THE Lifetime of the Duke's whole Fortune his Majeſty gave to the Lady *Frances Stewart* the Dutcheſs-Dowager, and the Fie to the Lord *Charles Lennox* his natural Son by the Dutcheſs of *Portſmouth*, whom he a-new created Duke of *Lennox* and *Richmond* (*e*). The hereditary Offices of Great Chamberlain and High Admiral of *Scotland*, he reſerved to himſelf and his Royal Succeſſors for ever. The Admirality he gave for Life to his Royal Highneſs the Duke of *Albany* and *York*, and the Great Chamberlain's Place to his Grace the Duke of *Buccleugh* and *Monmouth*.

(*a*) Sir William Dugdale's Baronage of England. (*b*) Mr. Echard's Hiſtory of England, and ſeveral other Hiſtorians. (*c*) The Biſhop of Sarum's Hiſtory of his own Times. (*d*) Dugdale's Baronage of England. (*e*) Peerage of Scotland.

James Duke of *Buccleugh* and *Monmouth*

WAS the eldeſt and beloved natural Son of King *Charles* II. by Mrs. *Lucy Barlow* alias *Walters* of *Pembroke* Shire in *Wales*. He was born at *Rotterdam* in *Holland*, *April* 9th 1649, and for Privacy was lodged at a Merchant's Houſe at *Schedam*, with an *Engliſh* Nurſe and Servants to attend him. He was educate chiefly at *Paris*, under the Eye of the Queen Mother, and the Government of Mr. *Roſs*, afterward Keeper of the King's Library, and Groom of the Privy Chamber.

IN the Year 1662, at thirteen Years of Age, in the Bloom of his Youth and Beauty, he was brought over into *England*, and received by the King with wonderful Demonſtrations of Joy and Affection. He had an Apartment fitted up for him in the Privy-Gallary at *Whitehall*, and had his Gentlemen and Pages to attend him, with a noble Equipage, Train and Penſion ſuitable to his Birth and Royal Relation. The ſame Year he was created Duke of *Orknay* in *Scotland* (*a*), and ſoon after Duke of *Monmouth*, and the next Year was inſtalled Knight of the Garter with the uſual Solemnities at *Windſor*.

IN 1665, he was entered a Member of *Chriſt*'s Church in *Oxford*, having been before incorporated a Maſter of Arts in both Univerſities. The ſame Year his Grace was made Maſter of the Horſe; and ſhortly after, at the King's own procuring, he married the Lady *Anne Scot*, ſole Daughter and Heir of *Francis* Earl of *Buccleugh*, generally eſteemed the greateſt Fortune, and the fineſt Lady in the three Kingdoms, her Mother the Counteſs of *Weemyſs*, the Duke of *Rotheſs*'s Siſter, having beforehand received all the Satisfaction which ſhe could deſire of his Majeſty in Relation to the Contract. Hereupon the Duke and the Counteſs of *Buccleugh* his Wife were jointly created Duke and Dutcheſs of *Buccleugh* (*b*), and his Grace took the Surname of *Scot*, according to the Cuſtom of *Scotland*, where he, who marries any great Heireſs, is obliged to change his Name into hers, to preſerve the Family. His Majeſty after that loaded him with ſeveral other Places of Honour and Profit, as General of the Land Forces, Captain of his Majeſty's Life Guard of Horſe, Lord Lieutenant of the *Eaſt-ryding* in *Yorkſhire*, Governour of the Town and Citadel of *Kingſton* upon *Hull*, Chief Juſtice in *Eyre* on the South-ſide of the River *Trent*, and upon the Death of the Duke of *Lennox* he made him Lord Great Chamberlain of *Scotland* during Life (*c*); and what was above all his other Titles he became every Day more and more a Favourite of the King, and of the People. About this Time his Majeſty, by a particular Agreement with the *French* King, was to ſend Six Thouſand Men into his Service by Land. Theſe Forces were put under the Command of the riſing Duke of *Monmouth*, that he might diſtinguiſh himſelf abroad by Arms, and diſplay his martial Qualifications; they arrived at the *French* Camp near *Charleroy*, at the Beginning of the Campaign, and the Duke was graciouſly received by the *French* King and the Duke of *Orleans*.

HIS Grace was preſent at the taking of *Orſoy*, *Rhineberg*, *Weſel*, *Emmerick*, *Doesburgh*, and *Zutphen*, and was in the *French* King's Camp near *Utrecht* when that City ſent her Keys to the Conqueror. Immediately after the Duke, with the *Engliſh* Noblemen and Gentlemen Volunteers, went to view the Town, and were honourably intertained by the Magiſtrates. In *July* the Army broke up and marched back to *Flanders*; and the Campaign being over, the *French* King

(*a*) Life of James Duke of Monmouth. (*b*) Regiſters of the Great Seal of Scotland, keept in the Chancery-Office at Edinburgh. (*c*) Ibidem. His Grace's Commiſſion bears Date at Whitehall the 15th of February 1673.

King returned to St. *Germains*, and the Duke to *England*. On his Arrival at *London*, he was received with univerſal Joy; and tho' the People were diſſatisfied with the War, yet they were pleaſed to hear how much his Grace was a Hero in it. In *November* thereafter the Duke went again to *France*, on News that the Prince of *Orange* was ſet down before *Charleroy*; but the Prince leaving that Seige upon greater Deſigns, *Flanders* was quiet the reſt of the Winter. The Duke landed at *Calais*, and went thence to *Dourlens*, where his own Regiment quartered. In his Way thither the Duke *d' Elbeuf*, Governor of *Montrevil*, received him in an extraordinary Manner. At *Bevile* the Militia were drawn up, and the Mayor complimented him at the Gates, and near *Dourlens* the Governour met him with his Coaches attended with forty Horſe, waited upon him into the Town, entertained him ſplendidly for five Days, and received the Word from him every Night. Here the Duke made a Review of his Soldiers, which he found in good Order and well diſciplined; from thence he went to *Paris*, and ſo to St. *Germains*, where he was received by his moſt Chriſtian Majeſty with particular Honours. He made no long Stay at the *French* Court; but finding there was no Probability of any ſudden Action, he returned to *England*, and remained there till the opening of the Campaign. It is obſervable, That in whatever Place his Grace appeared, he was very much reſpected, and no leſs admired. The next Year the Duke went to the *French* Court again, where the *French* King made him Lieutenant-General of his Army, which he drew up near *Courtny*, in Battalia, in the Preſence of the King and Court, with ſo much Gallantry and Conduct, that they were all filled with Admiration. And marching at the Head of the Army, came before *Maeſtricht*, where he behaved himſelf with ſuch inimitable Valour, that he gained the Counterſcarp and a Half-moon, whence his Men being beat, he recovered it again, expoſing himſelf to the Enemy's Fire, being the firſt who entered it himſelf; and in ſhort the taking of the Town at that Time was chiefly owing to his heroick Valour, as the *French* King himſelf was pleaſed to own. Upon his Return to *England* after this, he was received by the King and the Court with all poſſible Reſpect, and the Univerſity of *Cambridge*, to oblige His Majeſty, and to put all the Honour they could upon the Duke, unanimouſly elected his Grace their Chancellor in Place of the Duke of *Buckingham*.

In 1678, King *Charles* having now taken Part with the Confederates againſt the *French*, the valiant Duke of *Monmouth* had the Command of the *Engliſh* Forces that were ſent into *Flanders* to aſſiſt the Prince of *Orange* to raiſe the Siege of *Mons*. His Grace was preſent with the Prince at the deſperate Attack upon the Abbey, where he highly animated the Soldiers, both by his Preſence and Example; and by his Valour contributed not a little to the forcing of the *French* Camp under the Duke of *Luxemburgh*, and the relieving of *Mons*. Soon after this the Duke returned into *England*.

These Performances in the Field raiſed the Duke's Reputation very high, inſomuch that he was ſent down to *Scotland* to command in Chief the Forces that were raiſed for ſuppreſſing the Rebellion that juſt then commenced by a ſharp Engagement betwixt a Troop or two of the Guards, and a Party of the Field Conventicklers on a *Sunday* the firſt of *June* 1679. The Duke with great Expedition came to *Edinburgh*, where he was honourably received by the Nobility and Gentry of the Kingdom, and without Loſs of Time marched with the King's Forces againſt the Rebels, who were encamped near *Hamilton* at *Bothwel-bridge*, to the Number of four or five thouſand. They ſent ſome to treat with the Duke, and to preſent there Declaration to his Grace in Print. He

anſwered, *That if they would ſubmit to the King's Mercy, and lay down their Arms, he would interpoſe for their Pardon; but that he would not treat with them ſo long as they were in Arms.* Upon that ſome Skirmiſhing began, wherein the Rebels behaved themſelves well enough, but wanting Arms, Amunition, Conduct, and all Things neceſſary for War, and being alſo divided among themſelves, they were quickly diſperſed. There were between two or three hundred killed, and twelve hundred taken Priſoners (*a*). The Duke of *Monmouth*, the General, ſtopt the Execution that his Men were making, as ſoon as he could, and ſaved the Priſoners; for ſome moved that they ſhould all be killed upon the Spot, but this the Duke rejected with Horror. The Priſoners being brought to *Edinburgh*, his Grace allowed them a conſiderable Suſtenance daily out of his own Eſtate; and upon the whole he carried himſelf with ſo much Lenity in the *Weſt*, that all that Country was ſenſible he had preſerved them from Ruin. As ſoon as he had ſettled Matters, he went back to *England* in Triumph, and was received with great Applauſes at the Court, and with ſingular Appearances of Kindneſs and Affection from the King: Tho' 'tis ſaid, *The ſuppreſſing this Rebellion was not very ſatisfactory to many of his ſecret Admirers.* But ſoon after this, upon a ſudden Change at Court, while the Duke was in the very Height of his Glory, ſome of his Caballings, with a Party that were not thought enough in the Intereſt of the Crown, coming to be diſcovered, he was diveſted of all his Places, except that of Lord Chamberlain, which was for Life, and ſent away beyond Sea into *Holland*, to the great Surpriſe of the Nation, who thought this a very extraordinary Reward, coming ſo ſoon after ſuch Inſtances of Loyalty and Zeal, as the Duke had ſhown in ſuppreſſing the Rebellion of *Bothwell-bridge*.

About this Time the Party that were for the Duke being actuated by a great and ſubtile Head, began to propogate a dangerous and amuſing Rumour concerning a *black Box*, reported to be found in the Cuſtody, or at leaſt the Knowledge of Sir *Gilbert Gerrard*, containing a Writing importing a Marriage, or a Contract of Marriage between the King and the Duke of *Monmouth*'s Mother. This Report being made when the ſaid Duke was the Darling of the People, the King was pleaſed to call an extraordinary Council, in which he declared *The ſaid Report to be altogether falſe, and that he thought himſelf obliged in Honour and Conſcience to have the Matter throughly examined and ſearched into.* And for the fuller Satisfaction, Sir *Gilbert Gerrard* was ſummoned to appear; and being examined in Council before the King and his Royal Brother the Duke of *York*, and all the Judges of *England*, he anſwered upon Oath, *That he never had any ſuch Writing as was reported committed to his Charge, nor did he ever ſee or hear of ſuch Writing:* To all which he ſubſcribed his Name. His Majeſty then declared he was reſolved to uſe all poſſible Means to find out the Author of this Report; and accordingly a Committee of Council was ordered to ſit a conſiderable Time to examine into the Bottom of this Affair. After the ſtricteſt Enquiries made after Spreaders of this dangerous Report, his Majeſty publiſhed a particular Declaration on the 3d of *June*, in Confirmation of one made *January* 6th, and of another made *March* 3d, which was entered in the Council Books, and ſigned by ſixteen Privy Counſellors, *viz. That for the avoiding any Diſputes that might happen in Time to come concerning the Succeſſion to the Crown, he did declare in the Preſence of*

(*a*) Biſhop Burnet's Hiſtory of his own Times, Page 473.

of Almighty God, that he never gave nor made any Contract of Marriage, nor was married to Mrs. Walters *alias* Barlow, *the Duke of* Monmouth's *Mother, nor any other Woman whatſoever, but to his preſent Wife Queen* Katharine *then living* (*a*); which Declaration was on the 15th of *June* regiſtrated on Record in the High Court of Chancery, and all the great Lords of the Privy-Council, who were preſent with his Majeſty, declared and ſigned the ſame, atteſted the Action upon their corporal Oaths in open Court.

THE Duke of *Monmouth* growing now impatient of his ſtaying beyond Sea, begg'd the King's Leave to return, but finding no Hope of obtaining it, he came over without Leave. The King upon that would not ſee him, and required him to go back; upon which his Friends were divided; ſome adviſed him to comply with the King's Pleaſure: But a learned Hiſtorian (*b*) tells us, *he gave himſelf fatally up to the Lord* Shaftburry's *Conduct, who put him upon all the Methods imaginable to make himſelf popular.* He went round many Parts of *England*, pretending it was for Hunting and Horſe Matches, and viſited ſuch of the Nobility and Gentry as he knew were true to his Intereſt, and was received in many Places with unuſual Pomp and Ceremony, by which Means he increaſed the Affection of the People, and in Effect made himſelf the Head of thoſe who were diſcontented with the Duke of *York*.

AT this Time the Duke of *Monmouth* went with great Zeal into the Deſign of the Excluſion againſt the Duke of *York*. This Project brought him to fall into a particular Commerce with the Earl of *Eſſex*, the Lord *Ruſſel*, and Mr. *Sidney*, who were the great Promoters of it, and was the Foundation of the *Rye Plot*, which now broke out, and for which both the Lord *Ruſſel* and Mr. *Sidney* ſuffered. The Duke knowing how obnoxious he was, ſtept out of the Way, and lurked all the Summer 1683 in the Country: At length, by the Advice of the Lord *Hallifax*, he wrote ſeveral Letters to the King, pen'd with an extraordinary Force. By theſe the King was molified, and reſolved to reſtore him again to his Favour. It ſtuck much at the Confeſſion that he was to make. The King promiſed that no Uſe ſhould be made of it: But he ſtood on it, that he muſt tell him the whole Truth of the Matter. Upon which he conſented to ſatisfie the King, but he would ſay nothing to the Duke of *York*, more than to ask his Pardon in a general Compliment. The Duke, as was agreed, made a humble Confeſſion of his Offences in general Words to the King, and made a Compliment to the Duke, and begged he would interceed with the King to pardon him. His Majeſty received him with a particular Fondneſs, and uſed him more tenderly than he had done formerly. The next Day the King happened to ſay before Company, that *James* (for ſo he called the Duke) had confirmed all that the Lord *Howard* had ſworn in the Buſineſs of the Plot. This was carried to the Duke of *Monmouth*, who denied he had ever ſaid any ſuch Thing, adding, that the Lord *Howard* was a Liar and a Rogue: And this was ſet round the Town by his Creatures, who run with it from Coffee-houſe to Coffee-houſe; and the next Gazzette mentioned that the King had pardoned him upon his confeſſing the late Plot. Some of his Friends, particularly the Lord *Hallifax* preſſed the Duke to paſs that over, and to impute it to the Importunity of his Enemies, and to the King's Eaſineſs: But he could not prevail; yet he ſaid little till his Pardon was paſt, but then he openly denied he had confeſſed the Plot; and by that he engaged himſelf in a plain Contradiction to what the King had ſaid.

(*a*) Hiſtory of England. (*b*) Biſhop Burnet's Hiſtory of his own Times, p. 477.

In the mean Time ſome were brought by the Duke to the King, who confirmed they had heard the Duke of *Monmouth* ſay, that he had not confeſſed the Plot; upon which his Majeſty ordered him to give a Confeſſion of it under his Hand. The Lord *Hallifax* preſſed him to write a Letter to the King, acknowledging he had confeſſed the Plot. Plot was, he ſaid, a general Word that might ſignifie as much or little as a Man pleaſed. They had certainly dangerous Conſultations among them, which might be well called Plots; and the Service he might do his Friends by ſuch a general Letter, and by his gaining the King's Heart upon it, would quickly ballance the ſeeming Prejudice that ſuch a general Acknowledgment would bring them under, which could do them no Hurt. Upon that the Lord *Hallifax* got him to write a Letter to that Purpoſe, which he carried to the King, and the King was ſatisfied. But the Duke, whether of himſelf, or upon the Suggeſtion of others reflected on what he had done, and thought it a baſe Thing: For tho' this was no Evidence, yet he thought it might have an Influence upon Juries to make them believe every Thing that might be ſworn by other Witneſſes, when from his Confeſſion they were poſſeſſed with a general Belief of the Plot: So he went, full of Uneaſineſs, to the King, and deſired he might have his Letter again in the Terms of an Agony like Deſpair. The King gave it back, but preſſed him vehemently to comply with his Deſire, yet he was firm. So the King forbid him the Court, and ſpoke of him more ſeverely than he had ever done formerly. After ſome Days he went beyond Sea, and after a ſhort Concealment, he appeared publickly in *Holland*, and was treated by the Prince of *Orange* with a very particular Reſpect. He ſojourned here till upon the Notice of King *Charles*'s Death, the Prince diſmiſſed him, tho' he went away as of himſelf, and ſo retired to *Bruſſels*; but knowing that he could be ſuffered to ſtay no longer there than till a Return ſhould come from *Spain*, he came privately to *Holland*, and lay *incognito* at *Amſterdam*, where he fell in with the Earl of *Argyle*, the Lord *Melvil*, Sir *Patrick Home* and other *Engliſh* and *Scots* Exiles, upon the Account of the late Plot. We are told by a Right Reverend Author, That the Duke of *Monmouth* would willingly have gone with the Earl of *Argyle* to *Scotland*, but his Lordſhip did not much incourage that: On the contrary, he preſſed him to make an Impreſſion on *England* at the ſame Time that he was to invade *Scotland*. This was not poſſible, for the Duke had made no Preparations, ſo that he was hurried into a fatal Undertaking before Things were in any Sort ready for it. He had been indeed much preſſed to the ſame Thing by the Lord *Gray*, *Wade*, *Fergusſon*, and others about him. They ſaid all the *Weſt* of *England* would come about him as ſoon as he appeared, as they had done five or ſix Years ago. They reckoned there would be no fighting, but that the Guards and others who adhered to the King would melt to nothing before him; the City of *London* would be in ſuch a Diſpoſition to revolt, that if he ſhould Land in the *Weſt*, the King would be in great Perplexity. He could not have two Armies: And his fear of Tumults near his Perſon would oblige him to keep ſuch a Force about him, that he would not be able to ſend any Army againſt him; ſo they reckoned he would have Time to form an Army, and in a little while be in a Condition to ſeek out the King, and fight him on equal Terms. This appeared but a deſperate Undertaking to the Duke himſelf; he knew what a weak Body a Rabble was, and how unable to deal with Troops long trained. He had neither Money nor Officers, and no Incouragement from Men of Eſtates in the Country; it ſeemed too early

yet

yet to venture, and was the throwing away all his Hopes in one Day. But being, as hath been ſaid, puſhed on to it againſt his own Senſe and Reaſon, he complied, and would not refuſe to hazard his Perſon when others were ſo forward: So aſſoon as *Argyle* failed for *Scotland*, he ſet about his Deſign with as much Haſte for *England* as poſſible, all further Deliberations being laid aſide: He pawn'd a Parcel of Jewels, and bought up Arms, and they were put on Board a Man of War, and three other ſmall Veſſels which were fraughted for *Bilboa* in *Spain*. Mr. *Skelton*, the *Engliſh* Envoy, had ſome private Notice of theſe Preparations, and uſed his utmoſt Endeavours to ſtop the Veſſels in the River: But all he could really effect, was to detain one of the ſmall Veſſels, and to extort an Order from the States to arreſt the Duke of *Monmouth*, who therefore went the ſooner on Board, accompanied with the Lord *Gray*, a *German* Count, Colonel *Holms*, Mr. *Fletcher*, Mr. *Tyley*, Colonel *Matthews*, Major *Perrot*, Captain *Anneſly*, Capt. *Hewling*, Mr. *Wade*, Dr. *Temple*, Mr. *Fergusſon*, &c. In all but eighty two Perſons, with whom he was to perform ſuch wonderful Actions.

On the 24th of *May*, about three Weeks after the Departure of the Earl of *Argyle*, the Duke ſailed out of the *Texel* with his Man of War, and two Tenders; and met with ſuch bad Weather, and croſs Accidents, that he was nineteen Days at Sea, and yet was never diſcovered by the *Engliſh* Ships which lay in the Channel purpoſely to intercept him. At Length on the 11th of *June*, the Duke appeared off of *Lyme*, a Port and Borough in *Dorſet* Shire, and went on Shore that Afternoon. Aſſoon as his Men were landed, he commanded Silence, and falling on his Knees he implored the Protection of Heaven in a ſhort Prayer: Then drawing his Sword, he led his Men a back Way into the Town, and ſet up his blue Standard in the Market Place without the leaſt Oppoſition. Then he muſtered his little Company, which tho' well armed, and in good Equipage, too much diſcovered his Weakneſs at a Time when his Numbers ought to have been magnified; which might eaſily have been done if he had landed in the Night-time. Being asked *whom they were for?* They declared for the Proteſtant Religion; heartily inviting all Perſons to come and join with them. After this a long printed Declaration was read at the Market-croſs, intituled, *The Declaration of* James *Duke of* Monmouth, *and the Noblemen, Gentlemen and others, now in Arms for the Defence and Vindication of the Proteſtant Religion, and the Laws, Rights, and Privileges of* England.

The Preface to it was to this Effect; 'That Government was originally inſtituted by God, and 'this or that Form of it choſen and 'ſubmitted to by Men, for the 'Peace, Happineſs, and Security of 'the governed, and not for the private Intereſt and perſonal Greatneſs of thoſe that rule. That the 'Government of *England* was above 'all others happy in its *Primitive* '*Form*; whereby the Prerogatives 'of the Crown, and the Privileges 'of the Subject were ſo far from 'juſtling one another, that the Rights 'reſerved to the People tended to 'render the King honourable and 'great, and the Prerogatives ſettled 'on the Prince, were in order to 'the Subjects Protection and Safety. 'But now they were compelled to 'ſay, *That all the Boundaries of the* '*Government had of late been broken,* '*and nothing left unattempted for* '*turning the limited Monarchy into* '*an abſolute Tyranny.*' Then they proceed to charge upon the Duke of *York*, in his Brother's Reign, 'His 'contriving the burning of *London*; 'his inſtigating a Confederacy with '*France*, and a War with *Holland*; 'his fomenting the *Popiſh Plot*; and 'incouraging the Murder of Sir *Edmund-bury Godfrey*; his charging 'Treaſon againſt *Proteſtants*, and

'ſuborning Witneſſes to ſwear the 'Patriots of our Religion and Li-'berties out of their Lives; his hir-'ing execrable Villains to aſſaſſinate 'the late Earl of *Eſſex*, and cauſing 'others to be clandeſtinely cut off in 'Hopes to conceal it; his adviſing 'and procuring the Prorogation and 'Diſſolution of the Parliaments, in 'order to prevent the looking into 'his Crimes, and that he might e-'ſcape the Juſtice of the Nation, &c.

THEY next proceeded to enumerate the 'Tyrannies which he had 'exerciſed, ſince he ſnatched the 'Crown from his Brother's Head: 'For in Defiance of all Laws and 'Statutes of the Realm made for 'the ſecuring of the *Proteſtant* Re-'ligion, he not only began his Reign 'with a barefaced avowing himſelf 'of the *Romiſh* Religion, but called 'in Multitudes of Prieſts and Jeſuits, 'for whom the Law makes it Trea-'ſon to come into the Kingdom, 'and hath impowered them to ex-'erciſe Idolatries. And, beſides his 'being daily preſent at the Worſhip 'of the *Maſs*, he hath publickly aſ-'ſiſted at the greateſt Fopperies of 'their Superſtition. Neither hath 'he been more tender in trampling 'upon the Laws which concern 'our *Properties*, ſeeing two *Procla-'mations*, whereof the one requires 'the collecting of the *Cuſtoms*, and 'the other continuing that Part of the 'Exciſe, which was to expire at the 'late King's Death; he hath vio-'lently, and againſt all the Laws of 'the Land, broken in upon our E-'ſtates. Neither is it any Extenua-'tion of his Tyranny, that he is 'countenanced in it by an Extrajudi-'cial Opinion of ſeven or eight ſub-'orned and foreſworn Judges, but 'rather declaring the Greatneſs and 'Extent of the Conſpiracy againſt 'our Rights; and that there is no 'Means left for our Relief, but by 'Force of Arms: For advancing 'tho'e to the Bench, that were the 'Scandal of the Bar, and conſtitut-'ing thoſe very Men to *declare* the 'Laws, who were accuſed and bran-'ded in Parliament for *perverting* 'them; we are precluded all Hopes 'of Juſtice in *Weſtminſter-hall*: And 'by packing of Juries, falſe Returns, 'new illegal Charters, and other 'corrupt Means, he doth at once 'deprive us of all Expectations of 'Succour, where our Anceſtors were 'wont to find it; and hopes to ren-'der that which ought to be the 'Peoples Fence againſt Tyranny, and 'the Conſervator of their Liberties, 'the Means of ſubverting all our 'Laws, and of eſtabliſhing his Ar-'bitrarineſs, and confirming our 'Thraldom. Notwithſtanding all 'which they declare to the World, 'it is not for any perſonal Injuries 'or private Diſcontents, nor in Pur-'ſuance of any corrupt Intereſt, that 'we take our Swords in our Hands; 'but for vindicating our Religion 'and Laws, and reſcuing our Coun-'try from Ruin and Deſtruction, and 'for the preſerving our ſelves, Wives 'and Children from Bondage and 'Idolatry. Wherefore before God, 'Angels and Men, we ſtand acquit-'ted from, and do charge upon our 'Enemies all the Slaughter and De-'vaſtations that unavoidably accom-'pany inteſtine War.

AFTER this they had laid down the Ways and Means of redreſſing all Grievances, and particularly the repealing the penal Laws againſt Proteſtant *Diſſenters*, the *Corporation* and *Militia* Acts, and promiſed to purſue thoſe Ends in a *fair* and *effectual* Manner. And then, that they might the more effectually load the King, they proceeded thus; 'And whereas 'the ſaid Duke of *York*, in order to 'the expediting his idolatrous and 'bloody Deſigns of the *Papiſts*, the 'gratifying his own boundleſs Am-'bition after a Crown, and to hin-'der the Enquiry after the Aſſaſſi-'nation of the Earl of *Eſſex*, hath 'poiſoned the late King, and there-'by manifeſted his Ingratitude, as 'well as Cruelty to the World, in 'murdering a Brother, who had al-'moſt ruined himſelf to preſerve 'and protect him from Puniſhment;

'we

'we do therefore further declare, that 'for the aforeſaid villainous and unnatural Crime, and other his Crimes 'before mentioned, and in Purſuance 'of the Reſolutions of both Houſes 'of Parliament, who voted *to revenge 'the King's Death, in caſe he came 'to an untimely End*; we will proſecute the ſaid *James* Duke of *York*, 'till we have brought him to ſuffer 'what the Law adjudged to be the 'Puniſhment of ſo execrable a Fact. 'And in a more particular Manner, 'his Grace the Duke of *Monmouth*, 'being ſenſible of the horrid and 'barbarous Parricide committed upon his Father, doth reſolve to purſue the ſaid *James* Duke of *York*, as 'a *mortal* and *bloody Enemy*, and will endeavour, as well with his own 'Hand, as by the Aſſiſtance of his 'Friends, and the Law, to have Juſtice executed upon him. And 'the ſaid *James* Duke of *Monmouth*, 'the now Head and Captain-general of 'the *Proteſtant Forces* of this Kingdom, aſſembled for the Ends foreſaid, from the Generouſneſs of his own Nature, and the Love he bears 'to theſe Nations, whoſe Welfare 'and Settlement he infinitely prefers 'to whatſoever concerns himſelf, 'doth not *at preſent inſiſt upon his Title*, but leaves the Determination thereof to the Wiſdom, Juſtice, 'and Authority of a Parliament legally choſen and acting with Freedom: And, in the mean time, 'doth profeſs and declare, by all 'that's Sacred, that he will, in Conjunction with the People of *England*, employ all his Abilities, beſtowed upon him by GOD and Nature, for the Re-eſtabliſhment and 'Preſervation of the *Proteſtant Religion* in theſe Kingdoms, and for 'the reſtoring of the Subjects of 'the ſame to a free Exerciſe thereof 'in Oppoſition to *Popery*, and the 'Conſequences of it, *Tyranny* and '*Slavery*. To the obtaining of 'which End, he doth hereby promiſe and oblige himſelf to the People of *England*, to promote the paſſing into Laws all the Methods 'aforeſaid, that it may never be any 'more in the Power of any ſingle 'Perſon on the Throne to deprive 'their Subjects of their Rights, and 'to ſubvert the fundamental Laws of 'the Government for their Preſervation.' Then declaring for the Inſurrection in *Scotland*, and inviting all Proteſtant Kings, Princes, States, and People to their Aſſiſtance, they conclude in theſe Words; 'And a-'bove all our Dependence and Truſt 'is upon the LORD of Hoſts, in whoſe 'Name we go forth, and to whom 'we commit our *Cauſe*, and refer 'the Deciſion betwixt us in the Day 'of Battle.' *Now let us play the Men for our People, and for the Cities of our* GOD; *and the* LORD *do that which ſeemeth good unto him.*

THE Alarm of the Duke's landing was brought hot to *London*, and on the Belief of the Thing an Act of Attainder paſſed againſt him in both Houſes of Parliament in one Day, and the Sum of 5000 L. was ſet on his Head.

ALL this Time the Duke was purſuing his unfortunate Expedition, which was begun, as was before remembred, with ſuch ſmall Numbers, and ſuch ſlender Preparations, that it is a Wonder that he ſhould met with ſo much Succeſs, and bid ſo fair for a Crown. Being attended with ſo ſmall a Force at his Landing, but eighty two in Number, and moſt of them unskilful in Military Affairs, obliged his Grace to ſtay ſeveral Days at *Lyme* before he could gather Strength enough to begin his March, which furniſhed the King's Party with ſeveral Advantages againſt him in ſecuring many of his chief Friends, and diſcouraging and incommoding others that were flocking to him; yet ſtill his Numbers ſo increaſed from the ordinary Sort, that he ſoon found he was in greater Want of Arms and Officers than he was of common Soldiers. On the 15th of *June*, in the Afternoon, the Duke of *Monmouth* marched out of *Lyme* for *Axminſter*, a little Town four Miles diſtant, his Party being

then about two Thousand Foot and three Hundred Horse. About two Miles from *Lyme* they discovered the Duke of *Albemarle* with four Thousand Men, designing that Night to quarter in the same Town, which they had News of in the Way, yet still marched on in good Order, and entered the Town, lin'd all the Hedges, planted the Field Pieces, and expected nothing less than an Engagement, the other being not a Mile from the Town. The Duke of *Albemarle* advanced within a Quarter of a Mile of them; but finding his Soldiers to be all Militia Men of *Devonshire*, and that they had no Inclination to fight against *Monmouth*, thought it best to retreat. He came from *Exeter* with these Forces, intending to besiege the Duke in *Lyme*, presuming he could not be ready in so short Time; but now finding him so well prepared to receive him, he retired in great Disorder and Confusion, supposing that the Enemy had pursued him. This Pursuit was debated in *Monmouth*'s Army, but the Duke said, *It was not his Business to fight yet, till his Men had been a little better disciplin'd; but rather to make up into the Country as fast as possible to meet his Friends, not questioning but there would be some Action in several Parts of the Kingdom on the News of his Success.* But this was looked upon as a false Step: For had they made the Pursuit, they had gained all their Arms, several more Men, and might have marched in two Days with little Opposition to the very Gates of *Exeter*, the Country Troops resolving not to fight them, several of whom came to them that Night with their Arms. But missing that Opportunity they marched in for *Taunton*, being received thro' all the little Towns in the Way, with all possible Kindness, with loud Acclamations and Prayers to God to succeed their Arms.

On the 18th, they arrived at the Town of *Taunton*, about Twenty Miles from *Lyme*, where the Streets were so throng'd with People, that they could scarce enter, all endeavouring to manifest their Joy at the Duke's Coming, having their Houses and Doors adorned with green Boughs, Herbs and Flowers, and all the Emblems of Prosperity.

The next Day Twenty young Gentlewomen, with Colours ready made at the Charge of the Townsmen, presented them to his Grace with particular Solemnity. The Captain of them went before with a naked Sword in one Hand, and a small curious Bible in the other, which she likewise presented with a short Speech; at which the Duke, in a Manner transported, assured her, *He came now in the Field with a Design to defend the Truths contained in that Book, and to seal it with his Blood, if there should be any Occasion for it.* Here elevated by the fair Prospect of Success, or overcome by the Importunities of those about him, he was content to take upon him the Name and Title of King. They alledged, *That the Reason why the Gentry of England did not move, was because he came upon Common-wealth Principles.* And this being the Cry of the Army, on *Saturday* Morning the 20th of *June* he was solemnly proclaimed King of *England, Scotland, France* and *Ireland*, &c. which was very surprizing and shocking to many of his Republican Friends, who cared as little for *James* Duke of *Monmouth*'s being King, as they did for *James* Duke of *York*, as they used slightingly to call his sacred Majesty.

The Duke of *Monmouth* having proclaimed himself King of all the *British* Dominions, began his Mock-Reign, with three several *Proclamations*; one setting a Sum upon King *James*'s Head, as he had done before by the Duke; the *Second*, Declaring the Parliament of *England* a seditious Assembly; and if they did not separate before the End of *June*, to give Power and Authority to any that would attempt to lay hold of them as Rebels and Traitors; the *Third* was directed against

againſt the Duke of *Albamarle*, who having had Time to rally his Men, now lay within ſix Miles of *Taunton*; and this declared him a Traitor if he did not lay down his Arms immediately. In Order to which a Meſſage was ſent to command him ſo to do; but he returned Anſwer, *That he was a Subject to King* James II. *the late King's Brother, and that he knew no other Lord.*

On the 21ſt of *June*, the Duke marched for *Bridgewater*, about ſeven Miles from *Taunton*, having now an Army of near 5000 Men, which might have been more than doubled, if they had not wanted Arms for their Accomodation. They were received there as at other Places, but did little more then read the general *Declaration* and *Proclamation*, which they did in all Towns, and ſo marched forward for *Glaſſenbery*; from whence they reſolved for *Briſtol*, three Days March from that Town, a moſt important Place aimed at before their firſt Landing, deſigning to attack it. Accordingly they advanced to *Canſham Bridge*, a little Town three Miles from that City, intending to enter the next Morning; the Duke of *Beaufort* being Commander there with a conſiderable Garriſon. Being lodged in the Town, they were ſuddenly alarmed with the Noiſe of the Approach of the King's Forces, being in no ſmall Confuſion on this unexpected News. This occaſioned a notable Skirmiſh for a while, which ended to the Diſadvantage, but more to the Diſgrace of the Duke's Party, whoſe Horſe Officers were very negligent, or unskilful in their Duty, and gave a great Damp and Diſcouragement to the Deſign upon *Briſtol*.

Yet ſtill ſome Gentlemen that came over with the Duke, being *Briſtol* Men, and knowing the Hearts of the Townſmen, begg'd him earneſtly to proceed towards it, and offered themſelves to go at the Head of them into the Town, by ſome private Ways well known to them, aſſuring him *they would make no Reſiſtance*. This 'tis thought, might have proved of vaſt Conſequence, as to the gaining of Arms, Money, Amunition, &c. But either infatuated, or too much dejected, the Duke marched on to *Bath*, which he ſummoned to ſurrender; but was refuſed Entrance, having a conſiderable Garriſon. Not willing to ſpend Time in Sieges, he marched that Day to a little Town called *Philips-norton*, where, by Surpriſe, he cut off the beſt Part of a Troop of Horſe of the King's Party, the Duke of *Grafton* narrowly eſcaping with his Life. From thence advancing to *Frome* the Duke and his Forces were received with as much Cheerfulneſs as at *Taunton*, but were diſappointed of the Arms they expected, which were by a Stratagem taken from the Inhabitants a few Days before their Entrance. Here they met with the unexpected News of the Defeat of the Earl of *Argyle* in *Scotland*, and of the Advance of the King's Forces from *London*, with conſiderable Baggage, and a Train of Artillery; upon which Intelligence, and conſidering the Want of Arms and Money, they were ſo confounded, that it was once reſolved, that all who came over with the Duke ſhould that Night take Horſe, and ſeize a Ship at *Pool*, and return to *Holland*; leaving the Infantry to the Mercy of the Country. But upon a further Conſideration, they reſolved to return back to *Bridgewater*, where they were ſure of a hearty Welcome, and there expect the King's Forces.

The firſt Forces which his Majeſty ſent down againſt the Duke of *Monmouth*, were ſome of the Earl of *Oxford*'s Regiment, under the Command of the Lord *Churchill*, who attended the Motions of the Duke with great Conduct, and exact Management. The Duke of *Albamarle* headed the Militia of *Devonſhire*; the Duke of *Somerſet* the Militia of that County at *Bath*; the Duke of *Beaufort* the Militia of *Glouceſterſhire* at *Briſtol*; and the Earl of *Pembroke* the Militia of *Wiltſhire*, at *Chippenham*: And the Militia of

other Counties were raiſed, and began their March toward the Weſt, tho' the King had no extraordinary Confidence in their Fidelity. And therefore his Majeſty ſent away all his regular Troops and Guards, to form an Army under the Command of the Earl of *Feverſham*, who in the Beginning of *July* encamped at a Place called *Sedgemore*, near *Bridgewater*, where the Duke of *Monmouth* lay with his declining Forces. The Earl's Horſe and Dragoons were lodged in the Town, and the Foot in the Field, covered toward the Enemy with a Parapet and Trench formerly made by the Countrymen againſt Innundations, and their Rear was ſecured by the ſaid Village behind them. Their Numbers, about 2000 Foot and 700 Horſe and Dragoons, were conſiderably leſs than thoſe of the Enemy; and the chief Commanders were the Duke of *Grafton*, the Earl of *Dunbarton*, the Lord *Churchill*, Colonel *Oglethorp*, Sir *Francis Compton*, beſides the Biſhop of *Winchester* in Perſon, *who*, my Author ſays, *was very ſerviceable upon this extraordinary Occaſion.*

THE Duke of *Monmouth*, by their near Approach, thought himſelf in Effect beſieged; and finding his Men daily deſert by Reaſon of his laſt Retreat, he therefore reſolved to make one deſperate Puſh, either to vanquiſh or dy like a Man of Courage: And ſo in a Council of War, it was agreed to attack the Earl of *Feverſham* on the very firſt Night of his Encampment. On *Sunday* the 5th of *July* the Country People had given the Duke Intelligence, that the King's Forces were very remiſs, the Troopers in Bed, and the Foot revelling in their Camp: So that the Duke thought and ſaid, *they ſhould have no more to do, than to lock up the Stable Doors, and to ſeize the Troopers in their Beds.* The Duke began his March about Eleven at Night with all imaginable Silence, and with a particular Guide, who was to lead them the moſt private Way; and about One they fell in with the Earl of *Dunbarton*'s Regiment, which alarmed the whole Army. There was a Ditch between them, and the Guide had promiſed to conduct them over an eaſy fordable Place; but *Monmouth*'s Men ſeeing the Enemy juſt before them, ran furiouſly on, and loſt their Guide; ſo that while they endeavoured to get over that Place, the King's Forces got on their Legs, and put themſelves in Order; and ſo began as fierce a Battle as perhaps was ever fought in *England* for ſo ſhort a Time. The Fight began with vaſt Shouts and Firings on *Monmouth*'s Side, and continued obſtinate and dubious for a while: For tho' Colonel *Oglethorp*, by his Activity, had quickly broke the Rebels Horſe, commanded by the Lord *Gray*, who made but a faint Reſiſtance; yet the Infantry fought with extraordinary Reſolution, being headed by the Duke of *Monmouth*, who during the whole Action maintained his former Reputation of Bravery and Gallantry: But by the plain Defects of the Horſe he was at laſt compelled to yield to the King's Forces, who in *Monday* Morning, *July* 6th, got a compleat Victory. There were 300 kill'd on the Spot, a 1000 in the Purſuit, and as many taken Priſoners. Thoſe of Note were Colonel *Holmes*, and Major *Perrot*, both dangerouſly wounded, Captain *Madder*, and one *Williams* a Servant of the Duke's, having two hundred Guineas of his Maſter's about him. As to the Duke himſelf, he had great Difficulty to preſerve fifty Horſe to ſecure his Retreat, and they were ſoon diſperſed. He was adviſed by a particular Friend to make down to *Uphill*, a ſmall Creek in the *Severn Sea*, from whence he might get into *Wales* long before any News could come of his Defeat, and meet with Friends who might eaſily conceal him. But the Duke was for poſting to *Limington* in *Hampſhire*, there to take Shiping, flattering himſelf that all the Town were his Friends, becauſe Colonel *Dore*, the

the preſent Mayor, was ſo, who had been lately ſecured. The Lord *Feverſham* ſent out ſeveral Parties in Queſt of him; and on *Tueſday* Morning, the Lord *Gray* was taken in the Diſguiſe of a Shepherd at *Holtbridge* in *Dorſet* Shire, by the Lord *Lumley*'s Men. As for the Duke, the Immenſneſs of the Reward raiſed the whole Country on the Search; ſo that the Ways and Roads were filled with their Numbers. The Lord *Gray* being taken, the ſame Men were informed by the Cottagers, that two Men went over a Hedge into an Incloſure overgrown with Fern; and ſo Guards were ſet on the Avenues, and about five in the Morning the next Day the *German* Count was taken, who confeſſed he had parted with the Duke of *Monmouth* about four Hours before. This cauſed a more diligent Search to be made; and at laſt one *Perkin* diſcovered the Duke hid in a Ditch covered with Fern in the greateſt Diſtraction. 'Tis ſaid he offered to make Reſiſtance, but the Fellow crying out for Help, and ſome Soldiers running in to his Aſſiſtance, the Duke was taken, and ſecured by the Lord *Lumley*, who under a ſtrong Guard conveyed him, the Lord *Gray* and the *German* Count, by eaſy Journies to *London*.

THE Duke of *Monmouth* was no ſooner taken, but imagining himſelf in the Hands of the Executioner, his former great Spirit was obſerved ſunk extremely, and he meanly enough endeavoured to ward off the impending Blow, by the following ſubmiſſive Letter to the King, much of the ſame Strain with thoſe which he had formerly written to his Father, tho' not with the ſame Effect. 'Sir, 'your Majeſty may think it the *Miſfortune*, I now ly under, makes me 'make this Application to you; but 'I do aſſure your Majeſty it is the 'Remorſe I have now in me of 'the Wrong I have done you in ſeveral Things, and now in taking 'up Arms againſt you. For my taking up Arms, it was never in my 'thought ſince the King died: The 'Prince and Princeſs of *Orange* will 'be Witneſs for me of the Aſſurance 'I gave them, *That I would never 'ſtir againſt you.* But my Miſtortune was ſuch, as to meet with 'ſome horrid People that made me 'believe Things of your Majeſty, 'and gave me ſo many falſe Arguments, that I was fully led away to 'believe, *That it was a Shame and a 'Sin before GOD not to do it.* But, 'Sir, I will not trouble your Majeſty 'at preſent with many Things I 'could ſay for my ſelf, that I am ſure 'would move your Compaſſion, the 'chief End of this Letter being only 'to beg of you, That I may have 'that Happineſs as to *ſpeak to your 'Majeſty*: For I have that to ſay to 'you, Sir, that I hope may give you 'a long and happy Reign. I am 'ſure, Sir, when you hear me 'you will be convinced of the 'Zeal I have of your Preſervation; and how heartily I repent of 'what I have done. I can ſay no 'more to your Majeſty now, being 'this Letter muſt be ſeen by thoſe 'that keep me. Therefore, Sir, I 'ſhall make an End, in begging of 'your Majeſty to believe ſo well of 'me, that I would rather die a thouſand Deaths, than excuſe any thing 'I have done; if I did not really 'think my ſelf the moſt in the 'Wrong that ever a Man was, and 'had not, from the Bottom of my 'Heart, an Abhorrence for thoſe 'that put me upon it, and for the Action it ſelf. I hope, Sir, GOD Almighty will ſtrike your Heart with *Mercy* 'and *Compaſſion* for me, as he has 'done mine, with the *Abhorrence* of 'what I have done: Wherefore 'Sir, I hope I may live to ſhew you 'how zealous I ſhall ever be for 'you Service; and could I but ſay 'one Word in this Letter, you would 'be convinced of it, but it is of that 'Conſequence that I dare not do it. 'Therefore, Sir, I do beg of you 'once more *to let me ſpeak to you*, 'for then you will be convinced

'how much I ſhall ever be *your Ma-*
'*jeſty's moſt humble and dutiful,*
'*Monmouth.*

It ſeems this Letter had been little regarded, if at the ſame Time the Duke had not wrote another in very moving Terms to the Queen Dowager, who retaining her former Affection for him, and pitying his Misfortunes, prevail'd upon the King that he ſhould permit the Duke to ſpeak to him. The Duke being brought to the King's Preſence, immediately fell at his Feet, and having anſwered the ſeveral Queſtions the King asked him, and confeſſed *he deſerv'd to die*, he conjured him, with a Flood of Tears, *not to uſe him with the Severity of Juſtice, and to grant him a Life, which he ſhould be ready ever to ſacrifice to his Service.* He mentioned to him the Example of ſeveral great Princes, who had yielded to the Impreſſions of Clemency on the like Occaſions, and who had never afterward repented of thoſe Acts of Generoſity and Mercy, concluding in a moſt pathetical Manner, *Remember, Sir, I am your Brother's Son, and if you take my Life, it is your own Blood that you will ſhed.* The King, after ſome Queſtions asked him, cauſed him to ſign a Declaration, 'That his Father told him 'he was never married to his Mo-'ther;' and then ſaid, *He was ſorry indeed for his Misfortune; but his Crime was of too great a Conſequence to be left unpuniſhed, and he muſt of Neceſſity ſuffer for it.* So that when the Duke ſaw that no Favour was deſigned him by this Interview, he roſe from his Majeſty's Feet with a new Air of Bravery, and was carryed back to the *Tower* in order to his Execution. On the 14*th* of *July*, the Biſhop of *Ely* was appointed by his Majeſty to attend the Duke of *Monmouth*, and to prepare him to die the next Day. The Duke wrote again to his Majeſty, repreſenting how uſeful he might and would be if his Majeſty would be pleaſed to grant him his Life; but if that might not be, he begged for a longer Time, and to have another Divine to aſſiſt him, Dr. *Tenniſon*, or whom elſe his Majeſty ſhould appoint. The King ſent him the Biſhop of *Bath* and *Wells* to attend, and tell him he muſt die the next Morning. The two Biſhops ſat up in his Chamber all Night, and watched while he Sleept. In the Morning, by his Majeſty's Order, the Lords Privy Seal and *Dartmouth* brought him alſo Dr. *Tenniſon* and Dr. *Hooper*; all theſe were with him till the laſt Hour of his Life. The Biſhops ſtudied to convince him of the Sin of Rebellion. He anſwered, he was ſorry for the Blood that was ſhed in it: But he did not ſeem to repent of the Deſign; yet he confeſſed the King his Father had often told him, that there was no Truth in the Report of his having married his Mother. This he left under his Hand, probably for his Childrens ſake, who were then Priſoners in the *Tower*; that ſo they might not be ill uſed upon his Account(*a*). They continued ſtill to preſs on him a deep Senſe of the Sin of Rebellion, at which he grew ſo uneaſy, that he deſired them to ſpeak to him of other Matters. They next charged him with the Sin of living with the Lady *Herriot Wentworth*, as he had done. In that he juſtified himſelf, and ſaid he had married his Dutcheſs too young to give a true Conſent, that the Lady *Herriot* was a pious worthy Woman, and that he had never lived ſo well in all Reſpects, as ſince his Engagements with her: All the Pains they took to convince him of the Unlawfulneſs of that Courſe of Life had no Effect. After all he deſired they might give him the Sacrament the next Morning; but they told him, they could not do it, *while he perſiſted in that Error and Sin.* His Anſwer was, *He was ſorry for it.* And likewiſe the next Morning he told them, *he had prayed that, if he*

(*a*) Biſhop Burnet's Hiſtory of his own Time Page 645.

was in an Error in the Matter, GOD would convince him of it; but GOD had not convinced him; and therefore he believed it was no Error.

ABOUT Ten in the Morning, *July* 15*th* 1685, the Duke was led out of the Tower, attended by a ſtrong Guard, who were ready to have ſhot him Dead if any Reſcue had been attempted; and to prevent which all the Avenues to *Towerhill* were ſecured by Soldiers that Morning, notwithſtanding which innumerable Multitudes of People were gathered together to behold the Melancholy Sight. Having mounted the Scaffold, and viewed the Executioner, he began with declaring, *That he died a Proteſtant of the Church of* England. The Divines attending told him, that he could not be ſo, if he did not own the Doctrine of the Church of *England*, in the Point of *Non-reſiſtance*, and if he perſiſted in his former Enthuſiaſtick Perſwaſion, which they thought neceſſary in this Extraordinary Juncture. He ſaid, *He could not help it, yet he approved the Doctrine of the Church in all other Things.* He then ſpoke to the People in Vindication of the Lady *Herriot Wentworth*, Declaring, *She was a Woman of great Honour and Vertue, a religious godly Lady.* Upon which they told him of his living in Adultery with her. He ſaid *No; For theſe two Years laſt paſt, he had not lived in any Sin that he knew of; and that he had never wronged any Perſon; and that he was ſure, when he died, to go to GOD; and therefore he did not fear Death, which,* he ſaid, *they might ſee in his Face.* Then they prayed for him, and he kneeled down and joined with them; and in Concluſion they had a ſhort Prayer for the King, at which he pauſed, and at laſt ſaid, *Amen.* Riſing up, he ſpoke to the Headſman *to ſee he did his Buſineſs well, and not to uſe him as he did the Lord* Ruſſel, *to give him two or three Strokes; for if he did, he ſhould not be able to ly ſtill without turning.* Then he gave the Executioner ſix Guineas, and four to one *Mariſhal* that attended him with the King's Leave, deſiring *Mariſhal* to *give them to the Executioner if he did his Work well, and not otherwiſe.* Then undreſſing, and preparing himſelf for the Block, the Divines, in the mean Time, uſed theſe and the like Ejaculations, *God accept your Repentance! God accept your imperfect Repentance! God accept your general Repentance!* Having laid himſelf down a ſecond Time, and the Sign given, the Executioner gave a light Stroke, at which he looked him in the Face; and then he laid him down again, when the Executioner gave him two Strokes more, and then threw down his Ax, crying, *He could not finiſh his Work!* But the Sheriff forced him to take it up again, and at three or four Strokes more, he ſevered his Head from his Body: And both were preſently buried in the Chappel of the *Tower*. A learned Writer of Memoirs, a Countryman of our own, Dr. *Welwood* (*a*), having furniſhed me with a Character of the great and famed Duke of *Monmouth*, I have taken the Liberty to inſert it here in the Doctor's own Words. *The firſt Part of the Duke of* Monmouth's *Life*, ſays he, *was all Sunſhine, though the reſt was clouded. He was brave, generous, affable, and extremely handſom: Conſtant in his Friendſhips, juſt to his Word, and an utter Enemy to all Sort of Cruelty. He was eaſy in his Nature, and fond of popular Applauſe, which led him inſenſibly into all his Misfortunes: But whatever might be the hidden Deſigns of ſome working Heads he embarked with, his own were noble, and chiefly aimed at the good of his Country, though he was miſtaken in the Means to attain it. Ambitious he was, but not to the Degree of aſpiring to the Crown, till after his landing in the* Weſt; *and even then, he was rather Paſſive then Active in aſſuming the Title of King.*

(*a*) In his Memoirs of the moſt material Tranſactions in England, for the laſt hundred Years preceding the Revolution in 1688, Page 172.

It was Importunity alone that prevailed with him to make that Step; and he was inflexible, till it was told him, that the only Way to provide againſt the Ruin of thoſe that ſhould come in to his Aſſiſtance, in caſe he failed in the Attempt, was to declare himſelf King; that they might be ſheltered by the Statute made in the Reign of King *Henry* VII. in Favour of thoſe who ſhould obey a King *de facto*. *In his latter Years he uſed to complain of the little Care had been taken of his Education; and in his Diſgrace endeavoured to make up that Want, by applying himſelf to ſtudy, in which he made, in a ſhort Time, no inconſiderable a Progreſs. He took the Occaſion of his Afflictions to inform his Mind, and re-collect and amend the Errors of his Youth*; which, the Doctor ſays, *was not ſtrange he ſhould be tainted with, being bred up in all the Pleaſures of a luxurious Court. What ſedate Thoughts his Retirement brought him to, and how little Inclination he had to make a Buſtle in the World, appears in a Letter of his own to one that afterward loſt his Life in his Quarrel*, which may be ſeen in Dr. *Welwood*'s Appendix. *When the Duke was brought Priſoner to King* James's *Preſence, he made the humbleſt Submiſſions for his Life*; and 'tis a Myſtery, adds the Doctor, *what could move King* James *to ſee him, when he had no Mind to pardon him: But the Manner of his Death, three Days after, did more then acquit him of any Meanneſs of Spirit in deſiring to live, ſince he died with the greateſt Conſtancy and Tranquillity of Mind, and ſuch as became a Chriſtian, a Philoſopher, and a Soldier.* To conclude, the Duke of *Monmouth* left Iſſue by her Grace the Dutcheſs of *Buccleugh* and *Monmouth* his Wife aforeſaid, two Sons, *James* late Earl of *Dalkeith*, and the Lord *Henry Scot*, the preſent Earl of *Delorain*, who was promoted to that Honour by her Majeſty Queen *Anne*, on the 29th of *March* 1706.

THE

THE
LIVES of the LORDS High Treasurers
OF
SCOTLAND.

SOME of our learned Antiquaries are of Opinion, that in ancient Times the *Seneſcallus Scotiæ*, the High Stewart of *Scotland*, was Treaſurer and Collector-general of the King's Revenues; indeed it may be ſo for what I know, but as the Stewart's Office is deſcribed in the *Regiam Majeſtatem*, it does not much favour that Opinion; for 'tis plain the Stewarts Juriſdiction is limited to what related chiefly to the Offices of the King's Houſhold (*a*), but for what we ſee had no ſort of Concern in the Adminiſtration of any Part of the Revenue. The Office that was afterward called *Magiſter Hoſpitii*, ſeems rather to have come in the Place of the *Seneſcallus*, ſince we are pretty ſure we had no Maſter of the Houſhold till after the moſt Serene Family of the *Stewarts* came to the Crown, and not juſt then either, for we have no Veſtige of ſuch an Officer, ſo far as I have been able to trace them, before the Reſtoration of King *James* I. *anno* 1425.

IN my humble Opinion, tho', with great Submiſſion, I apprehend the Lord Chamberlain was in Effect Treaſurer; for as we formerly obſerved, in the Publick Archives there are very many Precepts directed by the Sovereign *Camerario ſuo Scotiæ*, for Payment of Penſions, Gifts, Annuities, *&c.* which very naturally preſuppoſes he had either the whole or ſome Part of the Royal Revenue lodged in his Hands, and committed to his Care (*b*). The Treaſurer's Place, properly ſo ſpeaking, is of no greater Antiquity with us in *Scotland* then the Reign of King *James* I. For that wiſe excellent Prince, after he was relieved from his Captivity out of *England*, reſolving, it ſeems, to model his Court according to the *Engliſh* Frame, he made a High Treaſurer, as well as a great Chamberlain; the Juriſdiction of the Chamberlain being after this reſtricted to what more particularly related to the Government of the *Burrows*, the Charge and Management of the King's Property, and the other Ca-

(*a*) Sir John Skeen's Regiam Majeſtatem, Cap. 5. where we find, under the High Stewart, the Panetarius, the Butelarius, and the other inferior Offices of the King's Houſhold, with all their reſpective Fees, very particularly ſet down

(*b*) Many Proofs of this are to be met with in the Rolls of King David II. Robert II. &c.

ſualities of the Crown being committed to the Care of the Treaſurer, as a diſtinct Officer of State, whom henceforth we find almoſt conſtantly mentioned as a Witneſs in all the Royal Charters, Grants, and Commiſſions that paſſed the Great Seal under the Deſignation of *Theſaurarius noſter* (*a*). As to the Precedency of the Lord Treaſurer, it was not anciently fixed by any certain Rule; for, I obſerve, at the firſt Inſtitution of the Office, and for a long Time downward, the Treaſurer was ranked according to the Quality of the Perſon who held the Place, and not in Right of the Office it ſelf: But in the Reign of King *James* VI. *anno* 1623, the Lord High Treaſurer, by Act of Council, was declared the ſecond Officer of State (*b*), and as ſuch is ordained to have Precedency next to the Lord High Chancellor, who, by Act of Parliament, and *virtute officii*, has the firſt Rank, and preſides in all publick Judicatures where he is preſent (*c*); yet notwithſtanding of this Act, it was pretended by the Lord Treaſurer, that the Chancellor could not preſide in the Exchequer, becauſe the Exchequer was rather the King's Chamberlain Court, than a publick Judicature in which the Treaſurer was chiefly intruſted, becauſe he was chiefly to be anſwerable; this Pretence, however, was thought groundleſs, ſince the Exchequer was a Judicature, which hears and diſcuſſes Cauſes relating to the Revenue, and is declared to be ſuch by the 18th Act, Parl. 1. *Charl.* I. But after that, in the 1663, when the then Lord Chancellor the Earl of *Glencairn*'s Intereſt began to ſink at Court, His Majeſty King *Charles* II. by his Royal Letter to the Council, diſcharged the Chancellor to preſide in the Exchequer (*d*), but the Treaſurer, the Earl of *Rothes*, who was then growing into great Favour, which ſhews, as the learned Sir *George M'Kenzie* obſerves, *The King's innate Power to diſpenſe with Acts of Parliament, that relate only to Government and his own Service.*

THE Treaſurer's Place, we may obſerve, was always granted by the Sovereign under the Great Seal, and till toward the End of the Reign of King *Charles* II. during Life (*e*), but then it was beſtowed, as well as all the other Offices of State, during the Royal Pleaſure only, *durante beneplacito duntaxat*; a Commiſſion in that Manner, I find was given to the Duke of *Queensberry*, by Letters patent the 15th of *May* 1682 (*f*), his Grace being the laſt Lord High Treaſurer we had in *Scotland*. After this ſhort Deſcription of the Nature and Antiquity of the Treaſurer's Place, I ſhall next proceed to give ſuch Memoirs of the Lives of the ſeveral great Men who have held this Office from the Time it firſt commenced, till the 1685 the Treaſury was turned into Commiſſion, and was never otherwiſe revived, than in Compliment to ſome young Nobleman, who was neither a Peer, nor yet elected a Commoner, but by the King's Letter was named to ſit and vote in Parliament as Lord High Treaſurer, the Crown having by our Conſtitution a Right when the Treaſury was in Commiſſion, to appoint a ſingle Perſon to repreſent the ſaid Office in Parliament, and, as we ſhall afterward ſhow, was ſeldom or ever omitted.

Sir *Walter Ogilvy* of *Lintrethin*.

THE Family of *Ogilvy* are clearly, and beyond all Manner of Diſpute, deſcended from the ancient Earls of *Angus*: For to vouch this, there is a Charter granted by King *William*, the Tranſcript of which I have ſeen (*g*), *Gilberto filio Comitis de Angus*, of the Lands of *Pourin*, *Ogilvin*, & *Kyneithen*, *per ſuas rectas diviſas*

(*a*) Charta in Rotulis Jacobi I. Jacobi II. &c. (*b*) Sir George M'Kenzie's Precedency, Page 37. (*c*) Act 1. Parl. 1. Ch. II. (*d*) Sir George M'Kenzie's Obſervations on the Acts of Parliament. (*e*) Many Commiſſions for the Treaſurer's Place in the Records fully prove this. (*f*) Charta in Cancellaria S. D. N. R. ad annum 1682. (*g*) The Charter is given in by Gilbert Ogilvy of That ilk, and is tranſumed before the Lords in 1577.

divisas pro servitio anius militis. From the Lands of *Ogilvy* the Surname was assumed, which gave both Title and Designation to the Family of *Ogilvy* of *That-ilk* in the County of *Forfar*, which was owned as the Stem and Root of all the other Families of the Name, and decayed but in the last Century.

The principal Branch of the House of *Ogilvy* was the Family of *Auchterhouse*, also in the County of *Forfar*, whose first Ancestor, Sir *Walter Ogilvy*, in the Time of King *Robert* II. obtained that Barony by the Marriage of *Isabel* the Daughter and sole Heir of Sir *Malcolm Ramsay* Knight (*a*), by whom he left three Sons; Sir *Alexander Ogilvy* of *Auchterhouse* his eldest Son (*b*), Sir *Walter Ogilvy* of *Lintrethin* the first Lord High Treasurer of *Scotland*, and Sir *John Ogilvy*, to whom his Brother Sir *Walter* gave the Lands of *Innercarity*, *anno* 1420. The Charter may be seen by the curious in the Earl of *Haddington*'s Collections in the Advocate's Library.

Sir *Walter Ogilvy* the Lord Treasurer seems to have been a Gentleman of good Parts and Reputation for Integrity; and having had no Doubt withall a good Stock of Merit with King *James*, he was upon the Restoration made Treasurer in the 1425, as soon as the Ministry was settled (*c*). The same Year I find the Treasurer was one of the Jury that sat upon the Trial of the Duke of *Albany*, the Earl of *Lennox* his Father-in-law, and his two Sons *Walter* and *Alexander*, by whom they were all found guilty of high Treason, and suffered accordingly (*d*). In the 1426, Sir *Walter Ogilvy* did then found and endow two Chaplainries in the Church of *Auchterhouse*, *pro salute animæ sue & pro anima Walteri Ogilvy militis patris sui*, &c. There are Witnesses to this Deed, *Joanne electo confirmato Glasguen. Domino Patricio de Ogilvy & David de Ogilvy nepotibus meis, & Waltero de Ogilvy filio meo* (*e*). After this Sir *Walter* held the Treasurer's Place for the Space of five Years, that he was made Master of the Houshold (*f*), and Dr. *Myrton* the Dean of *Glasgow* was constituted Treasurer.

In the 1431, Sir *Walter Ogilvy* was named one of the Commissioners on the Part of *Scotland*, for renewing the Truce with *England*, which was then upon the Point of expiring, and they agreed to prolong it for five Years (*g*). Upon the Death of King *James* I. *anno* 1437, Sir *Walter* was again sent to *England* to negotiate a Truce, which was agreed to for the full Space of nine Years (*h*), but he did not live to see it expire, being taken away by Death in less than four Years thereafter, *viz.* *Anno* 1440. The Lord Treasurer left Issue by his Wife *Isabel de Dureward*, the Heiress of the Barony of *Lintrethin*, and a Branch of the old *Ostiarii*, who were anciently Lords of *Lundie* in *Forfar*-Shire, two Sons; Sir *John Ogilvy* of *Lintrethin*, the Progenitor of the Earls of *Airly* (*i*), and *Walter*, a younger Son, whom some of our Antiquaries say was the first of the *Ogilvies* of the House of *Findlater* (*k*); But I think the Vouchers they adduce are too lame, and come not up to such a Proof, as will pass with the *Literati* now a-Days, whom nothing less will satisfie in Matters of that Kind, than a Charter or some other authentick Writ, clearly instructing any Descent they pretend to assert.

(*a*) Charta in Rotulis Roberti Secundi. (*b*) Charta in Rotulis Jacobi Primi. (*c*) The first Time I find Sir Walter Ogilvy Treasurer, is in a Charter under the Great Seall of King James I. confirming an Alienation of Lands by William Clerk, filius & heres Willielmi Clerk Burgen. de Dundee, made to William Strachen Burgess there, dated the 25th of November 1425, and the 20th of the King's Reign. (*d*) Joannis a Fordun's Scoti Cronicon from the Copy in the Library of the University of Glasgow M. S. (*e*) Charta in Rotulis Jacobi Primi, dat. 23. Jan. 1426. (*f*) Ibidem ad Annum 1431. (*g*) Mr. Rymer's Fœdera Angliæ. (*h*) Ibidem. (*i*) Peerage of Scotland, Article Airly p. 9. (*k*) The Learned Principal Dunlop in his Genealogical Collections, M. S. and Mr. Nisbet in his Treatise of Heraldry, page.

Dr. *John Myrton* Dean of *Glaſgow*.

The Houſe of *Cambo* in *Fife*-Shire, of which the Treaſurer was immediately deſcended, was repute an ancient Family. The firſt of the Surname I have met with, is in the Reign of King *Robert* II. that *Malcolm de Myrton* is Witneſs in the Reſignation and Surrender, which *Dominus David de Weemyſs* made of all the Lands which he held *de Domino Roberto Steward, Comite de Fife & de Monteith*, in Favours of *John de Weemyſs*, the ſame noble Perſon who is afterward deſigned Lord of *Kincaldrum & Rireſs*. It bears Date the 10th of *January* 1373 (*a*). The Treaſurer himſelf being a younger Brother was bred to the Church, and took holy Orders, but what was his firſt Station as a Clergyman, I have not been able to diſcover. I find however he was one of the Chaplains that attended King *James* while he was a Priſoner in *England*, *anno* 1422 (*b*), and returning no Doubt with the King, he was thereupon preferred to the Deanry of *Glaſgow*, which had the Rectory of *Cadzow* annexed to it (*c*), and was a Place both of great Dignity and Revenue.

In the 1431, the Dean was conſtituted Lord High Treaſurer of *Scotland* (*d*), and he held the Office till the 1433, that he was removed from the Treaſurer's Place, to which the Dean of *Murray* was preferred. I could trace Dr. *Myrton* no further, ſo that I cannot tell whether he roſe any higher in the Church, or died in his Deanry.

Mr. *Walter Stewart* Dean of *Murray*.

Of what particular Branch of the *Stewart*'s Family this Gentleman was deſcended does not clearly appear; but being educate from his Youth in View of the Service of the Church, he took holy Orders, and was made ſoon thereafter Dean of *Murray*, and Treaſurer of *Scotland*; for ſo he is deſigned in a Charter under the Great Seal of King *James* I. *Joanni Ogilvy filio & heredi apparenti David Ogilvy de eodem*, the 1ſt of *September* 1433 (*e*). The other Witneſſes to the Charter are Sir *John Forreſter* the Great Chamberlain, Sir *William Crichton* Maſter of the Houſhold, Mr. *William Foulis*, Provoſt of *Bothwel*, Lord Privy-Seal, and Mr. *Richard Craig Clericus Regis*. I find no other Treaſurer during the Remainder of this Reign; ſo for what I know he may have continued in the Office till the King's Death.

Sir *Walter Halyburton* Lord of *Dirleton*

Was the Son of Sir *Walter Halyburton* Lord of *Dirleton* by the Lady *Iſabel Stewart* Counteſs of *Roſs* his Wife, Daughter of *Robert* Duke of *Albany* (*f*). Being a Gentleman of good Parts he was brought into the Miniſtry in the Minority of King *James* II. and preferred to the Treaſurer's Place. You'll find him deſigned *Dilectus Conſanguineus & Theſurarius noſter* in a Charter by King *James* II. the 18th of *September* 1439 (*g*). The ſame Year he is one of the Committee of Parliament, in the Quality of a *Baron*, who appends his Seal to the Compromiſe and Agreement which was made with Conſent of Parliament, betwixt the Queen Mother and the Lord *Livingſton* the King's Governor, touching the Education of her Son, and other Matters then in Diſpute, which was all ſolemnly adjuſted by an *Appointment*, as it is called, "made "at *Strivyline* the furd Day of the "Month of *September* the Yher of our "Lord

(*a*) Charta penes Comitem de Weemſs. (*b*) Fœdera Angliæ. (*c*) Reliquiæ Sancti Kentigerni M. S. penes me. (*d*) Charta in publicis Archivis, ad annum 1431. (*e*) Charta penes ducem de Douglas. (*f*) Hiſtory of the Royal and illuſtrious Family of Stewart, M. S. penes me. (*g*) Charta in Rotulis Jacobi Secundi Alex. Ramſay. &c.

"Lord M CCCC XXXIX (*a*)." He held the Treaſurer's Place after this for the Space of about ten Years till his Death in the 1449, that Biſhop *Raulſton* of *Dunkeld* was made Treaſurer. The Lord *Dirleton* the Lord Treaſurer left behind him a Son, *John* Lord *Haliburton* (*b*), who carried down the Line of that noble Family till it failed in three Heirs Female in the Minority of Queen *Mary*, *anno* 1543.

John Biſhop of *Dunkeld*.

Biſhop *Raulſton* was deſcended from a ſmall but a very ancient Family of his Name in the Sheriffdom of *Renfrew*, where they have long remained (*c*), and ſtill continue in good Repute. The Biſhop being a younger Brother devoted himſelf to the Service of the Church, and taking holy Orders was firſt made Rector of *Cambuſlang* and Sacriſt of *Glaſgow*, next Provoſt of *Bothwell* (*d*), and then Dean of *Dunkeld* (*e*), and about the ſame Time he proceeded Doctor of both Laws, *anno* 1440.

In the 1444, Dr. *Raulſton* was preferred to be Secretary (*f*), upon the Removal of Dr. *John Methven* Provoſt of *Lincladen* from the Office, and, without parting with the Secretary's Place, he was alſo made Lord Privy Seal in the 1447, upon the Surrender of the Office by Dr. *William Turnbull*. And much about the ſame Time the Epiſcopal See of *Dunkeld* falling void by the Tranſlation thence of Dr. *Turnbull* his intimate Friend to the Biſhoprick of *Glaſgow*, he was promoted thereto, and was conſecrated with the uſual Solemnities by the 4th of *April* 1448 (*g*). The next enſuing Year, *anno* 1449, Biſhop *Raulſton* was conſtituted Lord High Treaſurer of *Scotland*, upon the Death of Sir *Walter Haliburton*, as I take it, when he demited both the Secretary's Place and the Privy Seal, Dr. *Shoreſwood* the Rector of *Coultar* being made Secretary, and Mr. *Lindſay* the Provoſt of *Lincladen* got the Privy Seal. The ſame Year the Biſhop of *Dunkeld* the Lord Treaſurer was, with divers other Prelates, Lords and Barons, joined in a Commiſſion of Embaſſy to *England* to renew the Truce before it ſhould expire, and which they renewed and prolonged on the 15th of *November*, yet to no certain Term, as was uſual before, but only ſo long as either of the Kings had a Mind to keep it (*h*), with this Caution; That when the King of *Scotland* ſhould think fit to renew the War, he was obliged to acquaint the King of *England* with his Intentions one hundred and eighty Days before his Subjects ſhould be allowed to commit Hoſtilities, and the King of *England* was to behave after the ſame Manner to the King of *Scotland*. The curious may ſee the Conditions, and the Conſervators of this Peace, both on the Part of *Scotland* and *England* in Mr. *Rymer*'s valuable Collections, *Tom.* XI. *Page* 242. Before the End of this Year Biſhop *Raulſton* ſurrendered the Treaſurer's Place, whereupon the white Staff was put into the Hands of Mr. *Hunter* the Abbot of *Melroſs*.

(*a*) Peerage of Scotland p. 276. (*b*) Charta in pub. Archivis. (*c*) Raulſton of That-ilk in the County of Renfrew, where they reſide, are repute to derive their Pedigree from the propet Name of their Anceſtor Ralph, a younger Son of the ancient Earl's of Fife, who, they ſay, getting Lands in the Barony of Renfrew from the Great Stewart of Scotland, called the Lands Ralphſton, after his own Name: But, tho' this be but a Tradition, and I deliver it only as ſuch; yet 'tis certain the Sirname and Family of Raulſton is right ancient; for Nicolaus de Ralphſton is Witneſs to the Donation which Sir Anthony Lombard made to the Monks of Pailly, anno 1272, as may be ſeen in the Chartulary of that Abbacy in the Cuſtody of the Earl of Dundonald. After that, in the foreſaid Chartulary, we find Jacobus Raulſton dominus ejuſdem is Witneſs to an Inſtrument taken upon the Canonical Election of an Abbot of Pailly, anno 1346. (*d*) Chartulary of the Priory of St. Andrews. (*e*) Dr. Milne's Lives of the Biſhops of Dunkeld. (*f*) Charta in Rotulis Jacobi ſecundi ad annum 1441, in a Charter under the Great Seal fourth of November 1444, Willielmo Achterlony de Kely, Dr. Raulſton is deſigned Secretario noſtro. (*g*) Charta penes comitem de Weems, in a Charter in the Cuſtody of the Earl of Weems, which I have ſeen under the Great Seal, domino Joanni de Weems. (*h*) Fœdera Angliæ ad annum 1449.

In the 1451, Bishop *Kaulston* was one of the Ambassadors appointed to go to *Newcastle*, in order to confer with others from *England* about the Breaches of the late Treaty (*a*). They, or a Committee of them, agreed with the *English* Plenipotentiaries that the Truce should be prolonged from the next Day, being the 15th of *August* 1451, till the 15th of the same Month 1454, that is, for three Years, and as much longer as it should please either or both the Kings to observe it. This was among the last memorable Actions of the Bishop's Life, for the next Year he fell sick and died, *anno* 1452 (*b*), and was interred in the South Side of the High Altar, in the Choir of the Cathedral Church of *Dunkeld*, being succeeded in the See by Mr. *Thomas Lauder* Precentor of *Sodrey*.

Andrew Abbot of *Melrose*.

This Gentleman was of the Surname of *Hunter*, of which there are two Families both repute ancient (*c*), the one in the *South* and the other in the *West*; but of which of them the Abbot was extracted is not so clear, and I shall not determine it: However it be, it seems he was born of such Parentage as were willing and able to give him such an Education in the Schools of Learning, as qualified him for serving in a very eminent Station in the Church; for being in Orders, and Confessor to King *James* II. he was chosen Abbot of *Melrose*, and preferred to be Lord Treasurer, *anno* 1449, upon the Surrender of the Office by the Bishop of *Dunkeld*. After that the Abbot was employed a Commissioner in several Embassies to the Court of *England*, tho' these Negotiations were not attended with the Success was desired. He held the Treasurer's Place till the 1453, that upon his Removal the Dean of *Murray* was preferred to the Office.

James Bishop of *Murray*.

This Prelate was a Branch of the most illustrious Family of the *Stewarts* of the House of *Lorn*. Being bred to Learning, and bending his Studies more particularly towards Theology, he entered into holy Orders, and in Time came to be Dean of *Murray* (*d*). Mr. *Stewart* it seems being a Man of Reputation and Integrity, and well known to King *James*, he was pleased to prefer him to the Treasurer's Place, in the Room of the Abbot of *Melrose*, *anno* 1453; for in a Charter under the Great Seal, the 24th of *October* that Year, he is designed *Thesaurario nostro* (*e*). In the 1458, the Treasurer was advanced to the Episcopal See of *Murray*, then void by the Death of Bishop *Winchester*, where, according to Archbishop *Spotiswood*, he sat till his Death in the Year 1461.

Sir *David Guthry* of *That-ilk*.

The Surname of *Guthry* is local, which argues it is antient. I have not seen the Writs of the Family of *Guthry*, but I am told they have Charters from King *David* II. of the Lands of *Guthry* in the Shire of *Forfar*, from whence they have taken the Name. After this it seems they fell somewhat low, and parted with the Estate of *Guthry* to the Earl of *Crawfurd*,

(*a*) Fœdera Angliæ, Tom. XI. Page 283. (*b*) 'Tis after the 6th of November this Year 1452, that he died; for he is then Witness in a Charter under the Great Seal of that Date, which is a full Proof that he died not in the 1450, as the learned Dr. Miln, thro' a Mistake, says in his Lives of the Bishops of Dunkeld. (*c*) The Family of the South is stiled Hunter of Polmood, of whom I have seen nothing; and that in the West is designed Hunter of That-ilk, or of Hunterston, whose Writs I have very carefully perused. This Family from Charters appears to have had at least a Part of the Estate they still possess in Cuninghame, while the Morviles were Lords of that Country, as far back as the Reign of King Alexander II. They have a Charter, which is also in the Rolls of King Robert II. granted by that Prince dilecto & fideli suo Willielmo Hunter of the Lands of Arneil, quæ fuere Andreæ Campbel militis, & quos idem Andreas resignavit apud Strivlyne secundo die Maii anno Regni Dict. Regis quarto, that is the Year 1375. (*d*) Charta in pub. Archivis. (*e*) Ibidem.

furd, but by the Endeavours of Sir *David* the Lord Treaſurer the antient Inheritance of his Anceſtors, the Barony of *Guthry* was again recovered, of which he had a Charter under the Great Seal the 25th of *March* 1465 (*a*), upon the Reſignation of the Earl of *Crawfurd*. Being, I apprehend, bred about the Court, he quickly grew into great Favour with King *James* III. by whom he was made Lord High Treaſurer on the Death of the Biſhop of *Murray*. There is a Charter under the Great Seal in the publick Archives, *Jacobo Domino Hamilton dimidietatem terrarum de Crawfurdjohn*, on the Reſignation of the Lord *Montipenny*, in which *Magiſtro David Guthry de Kincaldrum Theſaurario noſtro* is a Witneſs, *October* 24th 1463 (*b*). He continued Treaſurer till the End of the 1467, he was conſtituted Comptroller of the Exchequer; that Office the King calls *Compotorum noſtrorum Rotulatore* (*c*), and Sir *William Knows*, the Preceptor of *Torphichen*, was made Treaſurer (*d*). But in leſs than two Years thereafter, a Change being made in the Miniſtry, Sir *David Guthry*, now deſigned *de eodem*, was made Regiſter, or Maſter of the Rolls, as I have found him deſigned, and hereupon *Adam Wallace* of *Craigoe* was made Comptroller 27th of *November* 1469 (*e*).

In the 1472, the Lord Regiſter was appointed one of the Plenipotentiaries for *Scotland*, who met with the Commiſſioners of the King of *England* on the Borders, and on the 20th of *April* agreed that the Truce ſhould be obſerved till the Month of *July* 1483 (*f*). In the 1473, Sir *David* was removed from the Regiſter's Place (*g*), in Lieu of which he was made Lord Chief Juſtice (*h*), and Dr. *Alexander Inglis*, Dean of *Dunkeld*, was made Regiſter in his Room. In the Time of his Greatneſs, while he was in the Miniſtry, he very much inlarged his Eſtate, out of which, to teſtify his Thankfulneſs to Almighty God, he founded a collegiate Church at his Seat at *Guthry*, and handſomely enough endowed it for a Provoſt and three Prebends, which was afterwards ſomewhat enlarged by Sir *Alexander Guthry* his Son (*i*). He died, I think, in the Juſticiary's Place, but what was the Year, I cannot directly tell. The Lord Treaſurer was firſt married to a Daughter of Sir *Thomas Maule* of *Panmure*, by whom he had no Iſſue, and again with a Daughter of the Houſe of *Dundas* (*k*), by whom he had Sir *Alexander Guthry* of *That-ilk* his Son and Heir, who was ſlain at the Battle of *Flouden*-Field, and a Daughter *Elizabeth*, who was married to *Alexander Maule* of *Camuſtoun*, eldeſt Son and Heir apparent of Sir *Thomas Maule* third of that Name, Baron of *Panmure*.

After Sir *David Guthry*, as we have obſerved, Sir *William Knows*, Preceptor of *Torphichen*, was made Treaſurer. He held the Office till 1474 it was given to Dr. *John Laing* Rector of *Tamadie*, upon whoſe Promotion to the See of *Glaſgow* the Office was conferred upon *Archibald Crawfurd* Abbot of *Holyroodhouſe*.

Archibald Abbot of *Holyroodhouſe*.

The *Crawfurds* of *Haining* in the County of *Stirling*, of which the Abbot of *Holyroodhouſe* was a Son, was a Branch of the Houſe of *Loudon*. The firſt of this Race that I ſee, was Sir *William Crawfurd*, who in the 1400, had a Grant from the Earl of *Douglas* of the Lands of *Ferm*, in the Shire of *Lanerk*, on the Reſignation of Sir *Geoffry Toures* (*l*), whereupon he deſigns himſelf *Dominus del Ferme*: So I find him ſtil-

(*a*) Charta in Rotulis Jacobi III. ad Annum 1465. (*b*) Ibidem. (*c*) Charta Monaſterii de Newbottle, 25th November 1467. (*d*) Ibidem. (*e*) Ibidem. (*f*) Fœdera Angliæ, Tom. xi. p. 758. (*g*) Fœdera Angliæ, ad Annum 1473. (*h*) Records of the Exchequer, ad Annum 1474. (*i*) Charta in pub. Archivis. (*k*) Genealogical Hiſtory of the noble Family of Panmure, M. S. (*l*) Original Writs of the Houſe of Ferm.

ed as Witneſs to a Charter granted by *Archibald* Earl of *Douglas*, ratifying a former Grant by Sir *James Douglas* Lord of *Aberdour*, of the Lands of *Drumqahendale*, &c. *Patricio Ramſay anno* 1408 (*a*). I obſerve the Granter, the Earl of *Douglas*, calls Sir *William Crawfurd Conſanguineus ſuus*. After this he reſigns his Eſtate, *omnes & ſingulas terras ſuas de Maxwell, cum pertinen. infra Vicecom. de Stryvilinge*, of which the Lands of *Haining* are a Part, in Favours of *Reginald* his Son and Heir-apparent, whereupon he obtained a Charter under the Great Seal of King *James* I. of the Date 17th of *January* 1425, *Dilecto & fideli ſuo Reginaldo de Crawfurde, filio & heredi Willielmi Crawfurde militis* (*b*), reſerving Sir *William*'s own Liferent and a Terce to *Janet* his Wife, who was one of the Coheirs of the Barony of *Maxwell*. The ſame Sir *William Crawfurd* after this comes to be deſigned of *Haining & Smiles*, when, in the 1432, he, and the Heir of the Laird of *Colquhoun*, were ſent to *England* in Exchange of Sir *Patrick Graham* who was one of the Hoſtages for the Ranſom of King *James* I. (*c*). Sir *William* left Iſſue by *Janet* his Wife aforeſaid, two Sons; *Reginald* his Succeſſor in the Barony of *Haining*, and *Archibald* Abbot of *Holyroodhouſe* the Lord Treaſurer.

He was born in the Reign of King *James* I. and in his Youth educated as a younger Brother, with a Proſpect of engaging him in the Service of the Church; but whether he was ever in Orders I cannot tell, but I am ſure he was firſt Clawſteral Prior before he was Abbot of *Holyroodhouſe*, which I do not find he was ſooner than the 1457. His Probity and known Capacity ſoon procured him an eſtabliſhed Reputation, inſomuch, that in the 1458, he was named by the King in Parliament one of the Lords of Seſſion, who were appointed to ſit in three different Places for the Space of forty Days, and no longer, for the Adminiſtration of Juſtice (*d*). Here we may obſerve the Power of theſe Lords was in one Senſe very great, there being no Appeal from them, either to the King or Parliament; but then it was ſhort liv'd, ſince their Commiſſion expired with the Year, the King and his Council being to name other Lords to ſit at ſuch Times, and in ſuch Places as they ſhould appoint, till the Meeting of another Parliament; from whence it appears, that the Lords of the Seſſion at this Time were a Committee of the three Eſtates, and that there was a Sort of Rotation amongſt them without any Charge to the Publick; for they ſerved of their own *Benevolance*, which was the more eaſy, becauſe of the ſhort Time of their Attendance, and in Regard it might not come perhaps to their Turn to ſit again once in a good many Years. But to return to the Abbot.

In the 1459 he was one of the Commiſſioners ſent to treat with the *Engliſh* about the Prorogation of a Truce, when he and his Colleagues, who were the Biſhop of *Aberdeen*, the Abbot of *Melroſs*, the Lord *Borthwick*, Sir *Robert Livingſton* of *Drumray*, and Dr. *Nicol Otterburn* Regiſter, met with the *Engliſh* Plenipotentiaries at *Coventry*, and agreed to a firm Truce and Ceſſation from War both by Sea and Land: *Inceſturus per terram, ab ortu ſolis ſexti diei menſis Julii, quod erit anno domini milleſimo quadringenteſimo ſexageſimo tertio, & duraturus uſque ad occaſum ſolis ſexti diei menſis Julii, quod erit anno domini milleſimo quadringenteſimo ſexageſimo octavo; & per mare incepturus ab ortu ſolis viceſimi octavi diei menſis Julii, quod erit anno domini milleſimo quadringenteſimo ſexageſimo tertio, & duraturus uſque ad occaſum ſolis viceſimi octavi diei menſis Julii, quod erit anno domini milleſimo*

(*a*) Charta penes Dominum Salton. (*b*) Charta in Rotulis Jacobi I. (*c*) Fœderæ Angliæ. (*d*) Black Acts of Parliament, Folio 49, &c.

milleſimo quadringenteſimo ſexageſimo octavo. This Truce I obſerve was to laſt as long after the Time then agreed on, as either or both Kings ſhould think fit (*a*); and the Conſervators of it on the Part of *Scotland* were *John* Earl of *Athole*, *John* Earl of *Roſs*, *George* Earl of *Angus*, *Alexander* Earl of *Huntly*, *William* Earl of *Caithneſs*, *John* Lord *Somervel*, *Robert* Lord *Maxwel*, *Andrew* Lord *Evandale*, *Alexander* Lord *Montgomery*, *Patrick* Lord *Hales*, *Andrew* Lord *Gray*, *Alexander* Sheriff of *Angus*, *Archibald* Sheriff of *Roxburgh*, *Alexander Home*, *Walter Scot*, *Robert Crichton* Sheriff of *Nithſdale*, *William Cranſton*, *Simon Glendonyng* and *David Home* Knights; *Thomas Cranſton* of *That-ilk*, *James Rutherford* of *That-ilk*, *John Johnſton* of *That-ilk*, *Andrew Ker* of *Ceſsford*, *George Ormiſton* of *That-ilk*, *Charles Murray* of *Cockpole*, and *William Carlyle* of *Torthorald*.

But how well ſoever this Peace was thought to be ſecured, yet it was not ſo punctually obſerved, but that Breaches were made upon it by the Subjects of both Kingdoms; to repair theſe, and to ſecure from all Attempts of that Kind for the future, during the Continuance of it, the Abbot of *Holy-rood-houſe*, Mr. *Crawford*, and ſome others were ſent to *England* with Orders to confirm and amend any Breaches had been made upon the Truce (*b*): But I am apt to believe this Embaſſy had little Effect, ſince we find ſo ſoon thereafter a new Treaty of the ſame Nature ſet on Foot, and a Commiſſion given by King *James* III. to the Biſhop of *Glaſgow* Dr. *Muirhead*, Abbot *Crawford* of *Holy-rood-houſe*, the Provoſt of *Lincladen* Mr. *Lindſay* the Lord Privy Seal, the Earl of *Argyle*, the Lords *Borthwick* and *Boyd*, and Sir *Alexander Boyd* of *Duncow*, *ad tractandum ſuper Trugis* (*c*). The Reſult of this Embaſſy was, That a Truce was prolonged at *York* on the Firſt of *June* 1464, for the Space of no leſs than Fifteen Years. The Conditions are too long to be inſerted here, but the Curious may ſee them at full Length in Mr. *Rymer*'s moſt valuable and excellent Collections.

The Proſpect of ſo long a Peace, and the Happineſs that was like to enſue, put the Abbot of *Holy-rood-houſe* upon a very great and noble Deſign: His Abbey Church it ſeems he thought was not ſo magnificent in the Building, as was fitting for a Place of ſuch Eminency; and thereupon, by the Authority of the King, and the Permiſſion of his Ordinary the Biſhop of St. *Andrews*, he took down the Old Church, and rebuilt it from the very Ground, in the ſame Manner it ſtood when it was moſtly rifled and deſtroyed by the *Engliſh* Army after *Pinky* Field. His Arms are frequently graved upon it, both on the out Side and on the Roof within, *viz.* a *Feſs Ermine*, with a *Mollet* on the *Chief Dexter Point*, enſigned ſometimes with his *Mitre*, and ſometimes only with his *Croſſier* behind the *Shield*. There is only the Neve of the Church now remaining; now allowing that the Quire, which is quite away, was but of a Piece with the reſt of the Building, which we may eaſily do, it has been, when it ſtood in its Perfection, a very lofty and magnificent Structure, and will for ever remain an indelible Monument, to the Honour of the Abbot's Memory who was the noble Founder.

At the Concluſion of the late Truce with the *Engliſh*, both Kings by their Commiſſioners ſeemed equally fond of a Match between the two Royal Families, the better to cement the Peace, and to make it the more laſting and perpetual; but it had no Effect at this Time, yet the good Underſtanding continuing betwixt the two Nations, a new Treaty in the View of a Marriage was ſet on Foot in the 1474; the Commiſſioners on the Part of

(*a*) Fœdera Angliæ, Tom. XI. Page 426. (*b*) Ibidem. (*c*) Commiſſio Jacobi Scotorum Regis ad tractandum ſuper Trugis, 11th April 1464.

Scotland were Biſhop *Laing* of *Glaſgow*, Biſhop *Tulloch* of *Orkney* the Lord Privy Seal, the Earl of *Argyle*, the Earl of *Crawford*, the Abbot of *Holyroodhouſe* Mr. *Crawford*, and the Arch Deacon of *Lothian* Dr. *Whitelaw* the Secretary. They met at *Edinburgh* with the *Engliſh* Commiſſioners, who were impowered by the King of *England* to that Effect: To be ſhort they compleated the Negotiation, and contracted a Marriage betwixt the young Prince *James* of *Scotland* and the Princeſs *Cicil*, Daughter of King *Edward* IV. upon the following Terms, *viz.* "That in order to promote the "Wealth, Peace, Honour, and Intereſt of this *noble Iſle callit grot Britané*, a Match ſhall be concluded between *James*, only Son and "Heir of *James* King of *Scotland*, "and *Cicil* the youngeſt Daughter "of *Edward* IV. King of *England*; "That the Truce made at *York*, firſt "in 1464, and prolonged at *Newcaſtle* in 1465, to the Year 1519, "ſhall be punctually obſerved; That "during the ſaid Truce, both Kings "ſhall be ready to aſſiſt one another, "as often as required, againſt their "reſpective Rebels; That in regard "of the Infancy of the Prince and "Princeſs, he being but as yet in "the ſecond Year of his Age, and "ſhe no more then four Years old, "both Kings ſhall ſolemnly promiſe "to do all that in them lies to make "the Marriage effectual in due "Time; That the Prince and Princeſs, during the Life of King *James*, "ſhall have *in Dowry and joint Feſſement*, all the Lands and Rents "that belonged to the old Heritage "of the Prince, Son and Heir of "*Scotland*, *viz.* the Dukedom of "*Rotheſay*, and the Earldom of *Carrick*, and the Lordſhips commonly "called the *Stewarts Lands of Scotland*; That if the Prince comes to "be King before the Death of the "Queen his Mother, as being then "Queen, ſhall have for her *Dowry* "the *Terce* or third Part of the Lands "and Rents that belong to the "Crown; and when the Queen "Mother comes to die, the ſame "*Dowry* which ſhe had enjoyed: "That the King of *England*, in Conſideration of the ſaid Marriage "and *Dowry*, ſhall give with his "Daughter the Sum of 20000 "Merks *Engliſh* Money, whereof "2000 ſhall be paid every Year at "*Edinburgh* in the Pariſh Church of "St. *Giles*; the firſt Payment on "the ſecond of *February* next, the "ſecond on the ſame Day of *Februry* 1475, and ſo on till compleat "Payment be made of the whole: "That if either the Prince or Princeſs die before the Conſummation "of the Marriage, another Marriage between the Heir of *Scotland* and a Daughter of *England* "ſhall be concluded on the ſame "Terms; otherwiſe that all the "Sums of Money paid in the Manner above mentioned by the King "of *England*, ſhall be repaid by the "King of *Scotland* within four Years, "the Sum of 2500 Merks being deduced; which Sum the King of "*England* is willing to ſink in Conſideration of the Marriage, even "altho' it ſhould never be compleated (*a*).

The Abbot having now a very great Stock of Merit, and the King himſelf being ſenſible of his Abilities and Integrity, was pleaſed to reward his Services, by making him Lord High Treaſurer of *Scotland* in the 1474, the Elect Biſhop of *Glaſgow* Dr. *Laing* then reſigning the Office (*b*). The firſt publick Act I have found of the Abbot after his Promotion to the Treaſurer's Place was, That the King his Maſter directs a Warrant to him for receiving the firſt Moiety of the Portion, that was to be paid by the King of *England* in Contemplation of the Marriage betwixt his Daughter and the Prince of *Scotland*, as hath been ſaid. This Write being the only one of that Kind,

(*a*) Fœdera Angliæ, Tom. xi. Page 824. (*b*) Charta in pub. Archivis, etiam charta penes me, ad annum 1474.

Kind I have met with, I ſhall here ſet it down for the Satisfaction of the curious.

JAMES, be the Grace of GOD, King of Scottis, to all and ſundri quham it effeirs, quhas Knawledge this Oure Letterz ſal cum, Greeting.

Wit ze us to have depute and ordainit, and be thir Oure Letterz, deputis and ordains a venderable Fader in GOD, Oure traiſte Counſaloure and Theſaurure, Archibald *Abbot of* Holirudehouſe, *and Oure Lovitis Clerk Mr.* William Schevez, *Archdean and Coadjutor of St.* Andros, *and Vicar General of the Jameyn, Mr.* Alexander Murray *Parſon of* Hawick, *Director of Oure Chancellary and Canon of* Murray, *Sir* David Lutherdale *Archdean of* Dunkeld, *and* James Allirdes *Archdean of* Murray *and Canon of* Glaſgow, *or three of them conjunctly (Oure ſaid Theſaurere being ane) Oure ſpecial Commiſſaris givand and grantand to the ſaid* Archibald, William, Alexander, David *and* James, *or three of them, as ſaid is, conjunctly, Oure full Power and ſpecial Mandment, to paſs to the Kirk of St.* Gile, *within Oure Burgh of* Edinbrugh, *the third Day of* Februar *next to come, or ony uther Day or Place ſene ſpedful to thame, to reſſave in Oure Name for a maiſt excellent Prince Oure deerſt Couſing* Edward *King of* Ingland, *or ony uther Perſon ſend fra him in his Name, having Power, the Sum of twa Thouſand Merks* Inglis *of the gude and uſuale Money of the Realm of* Ingland, *aucht to us be Oure ſaid deerſt Couſing at the ſaid Day, in Part of Payment of the Sum of Twenty Thouſand Merks* Inglis *of the ſaid Money, for Cauſe of Matermonzie and Tothir betwixt a noble and worthi Prince Oure deerſt and anerly Son* James *Duc of* Rothiſſaye, *Earl of* Carrick, *and Lord of* Cunynhame, *and a right noble and worthi Princeſs* Cicile *the third Dothir of Oure ſaid deerſt Couſing the King of* Ingland, *as into the Indenturis made betwixt Oure ſaid deerſt Couſing and Us thereupon mare plainly is contenit.*

And after the Reſſate of the ſaid Sum of twa Thouſand Merk Inglis, *to deliver Oure Quittance thereupon under Oure Greit Sele to the ſaid our deerſt Couſing, or to whom he ſends Deliverarie thereof.*

And all uther and ſundri Thingis to do and exerce, that to the Reſſate of the ſaid Sum ſal be ſene expedient to thame, halding and to hald firm and ſtable all and quhatſuever Thing Oure ſaid Commiſſaris, or three of thame conjunctly, as ſaid is, in the Thingis abovewritten in Oure Name ledith to be done.

In Witnes of the quhilk Thing, We have gert ſet Oure Prive Sele to thir preſent Letterz at Edinbrugh *the laſt Day of* Januare, *the Zere of Oure Lord a Thouſand four hundreth ſevinty and ſix Zeiris, and of Oure Regnne the XVII Zere (a).*

FROM henceforth I have met with nothing of Moment concerning the Abbot, only that he held the Treaſurer's Place after this, I doubt not, with a general Approbation above ſeven Years, even till his Death in the Beginning of the Year 1483 (*b*), and was ſucceeded in the Abbotſhip by another very worthy Man, *Robert Ballenden* of the Houſe of *Achinoul*.

Sir *William Knows* Preceptor of *Torphichen*

WAS deſcended of a ſmall obſcure Family of his Name *Knows* of *That-ilk*; his Parents however were able to provide for his Education in

(*a*) Mr. Rymer's Collections of the Fœdera, Tom xii. p. 40. ſuper dote Ciciliæ filiæ Regis ſolvenda Procuratorium Regis Scotorum. (*b*) In a Charter under the Great Seal, Joanni Roſs de Hawkhead militi, by King James III. de inſula infra aquam de Clyde prope burgum de Renfrew, vulgariter nuncupat. the King's Inch, which the ſaid Sir John had formerly got heritably from the King's Father. In this Charter, which is dated the 7th of February 1483, the Abbot of Holyroodhouſe, Mr. Crawfurd the Treaſurer is a Witneſs, and is the laſt Time I have found any Mention of him; and in 1483, I find Abbot Ballenden his Succeſſor, from Mr. Rymer, fully veſted in the Abbotſhip.

theSchools of Learning, from whence he went beyond Sea, and ſettled at the Iſle of *Malta*, where he reſided for ſome Time, and was at Length made one of the Knights of St. *John* of *Jeruſalem*, and Grand Prior of the Order within the Kingdom of *Scotland*, *anno* 1463, upon the Death of Sir *Henry Livingſton*, who was a Brother of the Houſe of *Kilſyth*.

In the 1468, Sir *William Knows* was promoted to the Treaſurer's Place upon the Removal of Sir *David Guthry*, which he held till the 1470 he was outed of the Office, and Dr. *Laing*, then Rector of *Tannadice*, and Vicar of *Lithgow*, was made Treaſurer. There is little or nothing to be met with of this Gentleman after this, till the Acceſſion of King *James* IV. to the Crown, that he was again brought into the Miniſtry, and on the 25th of *June* 1488 was a ſecond Time conſtituted Lord High Treaſurer of *Scotland* (*a*); and gaining daily more and more Credit with the young King, or with thoſe who ruled the Court, he was after that made alſo Maſter of the Houſhold in Place of the Earl of *Bothwell* (*b*). Both theſe great Dignities the Lord St. *John* held till 1493, that the Abbot of *Cambuskenneth* was made Treaſurer, and the Lord *Gray* Maſter of the Houſhold.

In the 1495, the Lord St. *John* was one of the Plenipotentiaries ſent to *England* to negotiate a Truce, and to propoſe a Marriage betwixt King *James* and the Princeſs *Margaret* the eldeſt Daughter of King *Henry* VII. (*c*): The Truce was indeed agreed to, but the intended Marriage did not ſo ſoon take Effect, tho' it was afterward compleated to the mutual Joy of both Nations in the Year 1503. The Lord St. *John* the Treaſurer was ſlain at the Battle of *Flowden* the ninth Day of *September*, in the Year of our Lord 1513, and was ſucceeded in the Preceptory of *Torphichen* by Sir *George Dundas* the next Lord St. *John*.

Henry Abbot of *Cambuskenneth*.

I think his Sirname was *Arnot*, and branched from an ancient Family of his Name in the County of *Fife*. I know nothing in particular either as to his Birth or Education, nor any Thing concerning him, till the 1473 I find him Abbot of *Cambuskenneth*, and, with other great Men, was ſent upon an Embaſſy to *England*, having obtained a ſafe Conduct from King *Edward* IV. for that Effect (*d*). In the 1493, the Abbot was preferred to the Treaſurer's Place in the Room of the Lord St. *John* (*e*). He did not continue long in the Office; for in leſs than a Year thereafter he was removed, and the Abbot of *Paiſley* Mr. *Schaw* was made Treaſurer (*f*). He got a Diſcharge of his Intromiſſions while he was Treaſurer under the Great Seal, which is inſert in the Chartulary of the Abbacy of *Cambuskenneth* under the Title of *Acquitancia Henrici Abbatis de Cambuskenneth de officio Theſurarii vicesſimo ſexto die menſis Auguſt* 1495 (*g*). I find the Abbot lived about eight Years after this, and died *anno* 1502. He was ſucceeded in his Abbotſhip by Dr. *David Arnot* Archdeacon of St. *Andrews* (*h*), the ſame Perſon who was afterward Biſhop of *Galloway*, and Dean of the Chappel Royal of *Stirling*.

George Abbot of *Paiſley*.

He was a younger Son of *John Schaw* of *Sauchy* and *Greenock* by *Mary* his Wife, one of the two Daughters and Co-heirs of Sir *David Annand* of *Sauchie* (*i*). He was born in the End of the Reign

of

(*a*) Charta in pub. Arch. (*b*) Ibidem. (*c*) Fœdera Angliæ. (*d*) Ibidem. (*e*) In a Charter under the Great Seal, 24th of June 1493, the Abbot of Cambuskenneth is then firſt deſigned Treaſurer in the publick Archives. (*f*) Charta in pub. Archiv. ad Annum 1494. (*g*) Regiſter of the Abbacy of Cambuskenneth in the Advocates Library at Edinburgh. (*h*) Fœdera Angliæ, ad Annum 1505, and a Succeſſion of the Biſhops of Galloway, M. S. penes me. (*i*) Charta penes Dum. Jourmem Schaw de Greenock & Sauchie, ad Annum 1436.

of *James* I. and his Education being carried on in all Things ſuitable to his Quality, after a regular Study he entered into holy Orders, and was quickly thereafter made Rector of the Pariſh Church of *Minto*, within the Dioceſs of *Glaſgow*. He did not long continue in that Station; for upon the Fame of his Piety, and other ſhining Parts, he was choſen Abbot of *Paiſley*, upon the Removal of Mr. *Crichton* to be Abbot of *Dunfermling*, *anno* 1476 (*a*).

While Mr. *Schaw* was Abbot here, he laid out a great Deal of Money in inlarging and beautifying the Fabrick of the Monaſtry. He built a noble Refectory, and all other Offices that were neceſſary for the Accommodation of the Monks, with a ſtrong and lofty Tower pended over the principal Gate of the Abbey: The Church, the Precinct of the Convent, with the Gardens and Orchards, and a little Park for fallow Deer, he incloſed with a Wall of Aſſler Work on both Sides, about a Mile in Circuit; upon different Places of the Convent, you'll ſee frequently the Abbot's Arms, viz. *Three covered Cups, with a Croſier behind the Shield*, very finely cut in Stone, but not mitred; alſo upon the Middle of the Wall to the North Side, he cauſed place in three different Shields, the Royal Arms in the middle, the Arms of the Founder, *Walter* the Great Stewart of *Scotland*, a *Feſs Checque*, on the right Side, and his own on the left; there are *Niches* at the Angles of the Wall of moſt curious graved Work; in one of them there was a Statue of St. *James* the Apoſtle, the Patron of the Abbacy, in another an Image of the bleſſed Virgin, with this Diſtich near it, but ſomewhat more inward.

Hac ne vade via, niſi dexeris ave Maria,
Sit ſemper ſine ve, qui tibi dicit ave.

To preſerve the Memory of the Founder of this noble Wall, and the Time the Work was completed, the Abbot Mr. *Schaw* was ſo juſt to himſelf, as to cauſe put up this Inſcription upon the *North-Weſt* Corner, which is ſtill remaining.

They calit the Abbat George *of* Schaw,
About my Abbey gart mack this Waw,
A thouſand foure hundreth Zeir,
Eighti four the Date but weir;
Pray for his Salvatione
That laid this noble Fundatione.

Abbot *Schaw* having now the Reputation of a Perſon of Vertue and Diſcretion, the King was pleaſed to commit the Education of his ſecond Son the Duke of *Roſs* to his Care, and he diſcharged the great Truſt with Fidelity and Satisfaction, inſomuch that King *James* IV. in his Charter, erecting the Abbot's Village of *Paiſly* into a Burgh of Barony, is pleaſed in the Preamble to take notice of this acceptable Piece of Service in a very particular Manner (*b*). The Abbot after this coming into great Favour, he was at length promoted to be Lord High Treaſurer of *Scotland*, on the 18th of *May* 1495 (*c*), upon the Removal of the Abbot of *Cambuskenneth* from the Office. He did not long continue Treaſurer, for being grown aged, and not caring, it ſeems, to continue in a ſecular Employment, which behoved neceſſarily to take up ſo much of his Time, in about two Years or thereabouts he reſigned the white Staff, which his Majeſty preſently put into the Hands of Sir *Robert Lundin* of *Balgony*. And now the old Abbot reſolving to retire quite from the World, to ſpend the ſhort Remains of his Time in preparing for his latter End, thought fit to demit the Government of his Abbacy to *Robert Schaw* a Nephew of his own, who was thereupon canonically elected Abbot of *Paiſly*, to which he obtained the Royal Aſſent by Letters Patent under the Great Seal the firſt of *March* 1498 (*d*); after this he ſpun out his Days in the Devotions peculiar

(*a*) Biſhop Leſly's Hiſtory of Scotland. (*b*) Charta in pub. Archivis ad annum 1488. (*c*) Idem ad annum 1495. (*d*) Charta in pub. Archivis.

liar to the *Romiſh* Church till his Death in the Year 1504, and was buried in the Iſle adjoining to the Abbey Church, where his Funeral Monument is yet to be ſeen.

Sir *Robert Lundin* of *Balgony*.

THIS Gentleman was a Branch of the ancient Family of *Lundin* of *That-ilk* in the Shire of *Fife*. His Father *Andrew Lundin* of *Balgony* was High Sheriff of that County in the 1466 (*a*). His Mother was *Elizabeth*, the Daughter and ſole Heir of Sir *John Sibbald* of *Balgony* (*b*). Sir *Robert* being, it would appear, a Man of Parts and Reputation, King *James* IV. preferred him to the Treaſurer's Place, upon the Removal of the Abbot of *Paiſly* in the 1497 (*c*), and he held the Office till his Death *anno* 1502. The Lord Treaſurer left a Son behind him, Sir *Andrew Lundin* of *Balgony*, who was Sheriff of *Fife* in 1506 (*d*), and two Daughters, *Elizabeth* who was married to *Patrick* Lord *Lindſay* of *Byres*, and *Eupham* to *William Melvil* of *Raith*.

Sir *David Beaton* of *Crich*

WAS a younger Son of *John Beaton* of *Balfour*, by *Mary* his Wife, Daughter of Sir *David Boſwel* of *Balmuto*. Being from his Youth bred with King *James* IV. he grew into great Favour: He was firſt Comptroller of the Exchequer, and then was conſtituted Treaſurer on the Death of Sir *Robert Lundin*. He continued in the Office till his Death in the 1505. His Accounts are ſtill extant in the Publick Archives, where they may be ſeen by the Curious. The Lord Treaſurer left Iſſue by *Jean* his Wife Daughter of . . . . *Dudingſton* of *Saintfurd* (*e*), Sir *John Beaton* of *Crich* his Son and Heir, and two Daughters, *Janet* who was firſt married to Sir *Robert Lwingſton* of *Drumray* and *Eſterweems* (*f*), and again to *James* firſt Earl of *Arran*, Mother by him to his Grace the Duke of *Chatlerault*, and *Elizabeth* to *John* Lord *Lyle*, by whom he had only one Daughter, who was married to Sir *Niel Montgomery* of *Lainghaw*, of whom the preſent Lord *Lyle* is the lineal Heir.

UPON the Death of Sir *David Beaton*, the Treaſurer's Place was beſtowed upon his Brother Dr. *James Beaton* then Abbot of *Dunfermling*, who kept the Office till the 1509, that he was firſt promoted to the Epiſcopal See of *Galloway*, and tranſlated thence to the Archbiſhoprick of *Glaſgow*; he was after that Primate and Chancellor of the Kingdom. There is a more particular Account of the Archbiſhop to be met with amongſt the Lives of the Chancellors in the former Part of this Work, *Page* 61. The next Lord Treaſurer was

George Biſhop of the *Iſles*.

THIS Prelate was a Son of the noble and ancient Family of the *Hepburns* of *Hales*, and Uncle to the firſt Earl of *Bothwel*. Being a younger Brother he devoted himſelf to the Service of the Church, and taking holy Orders, he was firſt preferred to the Provoſtry of *Bothwel* (*g*), and ſoon thereafter was choſen Abbot of *Arbroth*, on the Death of Abbot *Lighton*, *anno* 1502 (*h*). In the 1509 the Abbot was made Treaſurer in the Room of the Archbiſhop of *Glaſgow*, and the ſame Year the Biſhoprick of the *Iſles* falling to Vace by the Death of *John* Biſhop of that See (*i*), he was elected thereto, and had the King's Letters patent conferring on him the Temporality of the Benefice,

(*a*) Records of Parliament. (*b*) Memoirs of the Sibbalds of Balgony by Sir Robert Sibbald, M. S. penes me. See alſo Sir Robert's Hiſtory of Fife. (*c*) Charta in pub. Archivis. (*d*) Chartulary of Dunfermling. (*e*) Mr. Martin's Genealogical Collections of the Family of the Beatons, M. S. penes me. (*f*) Ibidem. (*g*) Rymer's Fœdera. (*h*) Chartulary of Arbroth, and the Succeſſion of the Abbots of Arbroth penes me. (*i*) Liſt of the Biſhops of the Iſles fuller then that in Biſhop Spotiſwood's Church Hiſtory, M. S. penes me.

nefice, the 10. of *May* 1510 (*a*). The Bishop did not continue one whole Year in the Treasurer's Place; 'tis likely he quite it of choice himself, and thereupon the Office was given to Bishop *Stewart* of *Caithness*. He was afterward slain with the King at the Field of *Floudon*, 9th of *September* 1513 (*b*).

Andrew Bishop of *Caithness*.

Bishop *Stewart* was a natural Son, as I take it, of the House of *Innermeath* (*c*). Being from his Youth bred to the Church, he took Orders, and after having served in some inferior Station, came to be Abbot of *Fern*, and then Bishop of *Caithness*, upon the Resignation of *John Sinclair* Elect of that See, as soon as the 1504 (*d*), tho' for what I know it may be somewhat sooner.

In the 1511, he was preferred to the Treasurer's Place in the Room of Bishop *Hepburn*, and had at the same Time a Grant of the Abbacy of *Kelso in commendam*. He continued Treasurer little more then a Year, when he was removed from the Office, to which the Commendator of *Glenluce* was preferred. Bishop *Stewart* lived five Years after this, and died on the 17th of *June* 1518 (*e*), and was interred in the Quire of the Cathedral Church at *Dornock*.

Cuthbert Commendator of *Glenluce*.

Mr. *Bailie*, that was his Name, was a younger Branch of the House of *Lamington* in *Lanerkshire*, where the Family hath remained since the Reign of King *David* II. that that Prince gave the Lands of *Lamington* to Sir *William Bailie* Knight; the original Charter I have seen (*f*). This Gentleman the Treasurer being educate with a View of the Service of the Church, as soon as he entred into Orders was preferred to a Chanonry in the Chapter of *Glasgow*, and made Rector of *Cumnock*. The Merit of the Man and his Parts being known to King *James*, he made him Treasurer in the Room of the Bishop of *Caithness*, the 29. of *October* 1512 (*g*), and he held the Office till his Death in the Year 1514, when the *commendam* of his Benefice was given to Bishop *Hamilton* of *Argyle*, a Brother of the Earl of *Arran*'s.

James Bishop of *Murray*.

This noble Prelate was the third Son of *Adam* Lord *Hales*, by *Margaret* his Wife, Daughter of *James* Lord *Dalkeith*. Being from his Youth destined to the Church, he was bred accordingly; but when he entered into Orders I cannot tell, neither do I know what was his first Station in the Church. In the 1515 he was chosen Abbot of *Dunfermling* (*h*), and the same Year was, by the Duke of *Albany* the Regent, preferred to be Lord High Treasurer (*i*), and the Bishoprick of *Murray* being now void by the Translation thence of Dr. *Andrew Forman* to the Archbishoprick of St. *Andrews*, he was elected to that See, and soon thereafter consecrate with the usual Ceremonies. He did not long continue Treasurer, for on the third of *October* 1516, he quite the Office and Accounts in the Exchequer for his Intromissions from the 15 of *June* 1515, which I take to have been the precise Day that he was advanced to the Treasurer's Place. He sat Bishop of *Murray* till his Death in the 1525, being succeeded in the See by Dr. *Robert Shaw* then Abbot of *Paisly*.

(*a*) Charta in pub. Archivis. (*b*) Mr. Drummond's History of the five King James's. (*c*) His Legitimation is in the publick Records. (*d*) Then he is found in the Fœdera Angliæ Bishop of Caithness, as Witness to the Queen's Sasine of Kilmarnock, and Sir Robert Gordon's History of the Earls of Sutherland. (*e*) Ibidem. (*f*) In the Hands of the Laird of Lamingtoun. (*g*) Rolls of the Exchequer in the Records. (*h*) Charta penes me, and the State Letters lately published. (*i*) Charta in pub. Archivis.

Sir *Walter Ogilvy* of *Stratheren.*

THE Lord Treasurer was the second Son of Sir *Walter Ogilvy* of *Boyn*, by *Margaret* his Wife, one of the two Daughters and Co-heirs of Sir *James Edmonston* of *That-ilk* (*a*). I find nothing of this Gentleman till he is made Treasurer by the Duke of *Albany* in the 1516 (*b*), and he held it not long; for the next ensuing Year he was removed from the Office, and Mr. *Campbel* was made Treasurer in his Steed. This Gentleman married one *Alison Rule* (*c*), by whom he had a Son *John Ogilvy* of *Stratheren*, whom I find so designed in an Entail of the House of *Finlater* (*d*) in the 1527.

Mr. *John Campbel* of *Lundy.*

THIS Gentleman was descended from the illustrious House of *Argyle*; but I can say nothing as to his particular Descent, having found but little concerning him, till the Time the Duke of *Albany* made him Treasurer in the 1517 (*e*): The first Title he had was *Thorntoun*, which Lands he obtained by the Gift of the Duke Regent upon the Forfeiture of the Lord *Hume* (*f*). After that he acquired the Lands of *Lundy* in *Angus* from the Lord *Lyle*, from whence he and his Successors, while they existed, took their Designation. He continued Treasurer till the 1526 he was removed, and the Master of *Glencairn* was named to the Office. The Treasurer was married to *Isabel*, Daughter of *Patrick* Lord *Gray*, Widow of Sir *Adam Crichton* of *Ruthven* (*g*), by whom he left a Son, Sir *John Campbel* of *Lundy*, who being a Gentleman of more than ordinary Parts and Learning, was for his Knowledge in the Laws appointed one of the first Lords of the Session (*h*), at the Institution of the College of Justice, by King *James* V. *anno* 1532.

William Earl of *Glencairn.*

THIS noble Lord was the Son and Heir of *Cuthbert* the second Earl of *Glencairn*, by *Margaret* his Wife, Daughter of *Archibald* Earl of *Angus*. The Master, for that was then the Title of Earls eldest Sons, being a young Nobleman of Parts and Activity, he was by the Lords of the Regency, in the Minority of King *James* V. appointed Lord High Treasurer of *Scotland*, in Place of Mr. *John Campbel* of *Lundy*. The Warrant for his Gift under the Great Seal bears Date the 25th of *June* 1526 (*i*). But tho' he was by the Commission to hold the Treasurer's Place for four Years, yet the Earl of *Angus*, by his sole Authority, broke the Settlement, and before the Master had been full five Months in the Office he was removed, and Sir *Archibald Douglas* made Treasurer. He became after this Earl of *Glencairn* by the Death of his Father, and was amongst the very first of his Quality who secretly favoured the Reformation. We find him much in the *English* Interest after the Death of King *James* V. and one of the Peers who were most forward for King *Henry*'s Project of uniting the two Crowns, by a Marriage betwixt Prince *Edward* his only Son, and *Mary* the young Queen of *Scotland* (*k*), who was but then a few Months old.

HIS Lordship was one of the Commissioners sent to *England* by the Parliament, 1543, to transact that important Affair: The Treaties of Peace and Marriage that followed upon this Negotiation, signed by the Commissioners of *Scotland*, are to be found at Length in Mr. *Rymer*'s noble Collections, and the Counter

Parts

(*a*) Charta in pub. Archivis. (*b*) Ibidem. (*c*) Ibidem. (*d*) Charta penes comitem de Finlater. (*e*) Charta in pub. Archivis, where his Commission is to be seen. (*f*) Ibidem. (*g*) Charta penes Dominum Gray. (*h*) Acts of Parliament. (*i*) Charta in pub. Archivis. (*k*) Sir Ralph Sadler's Letters lately published.

Parts of these Treaties, signed by the Commissioners of *England*, still remain amongst the Archives of *Scotland* kept at *Edinburgh*.

He died in the 1547, and left Issue by *Margaret* his Wife, Daughter and Heir of *John Campbel* of Wester *Louden* (*a*), Widow of the Tutor of *Craigie*, *Alexander* Earl of *Glencairn*, *Andrew* a second Son, of whom branched the *Cuninghames* of *Corshil* (*b*), *Hugh* a third Son, who was the Ancestor of the *Cuninghames* of *Waterstoun* and *Carlung*, and a Daughter *Elizabeth*, who was married to *John Cuninghame* of *Cuninghame-head*.

Sir *Archibald Douglas* of *Kilspindy*

Was a younger Son of *Archibald* the great Earl of *Angus*, by *Katharine* his second Wife, Daughter of Sir *William Stirling* of *Keir* (*c*). Sir *Archibald* being the Earl of *Angus*'s Uncle, and a Person in whom his Lordship reposed the greatest Confidence, he put him about the young King *James* V. when he had the Ruling of the Court, and then made him Treasurer on the 29th of *October* 1526 (*d*); and to give him the greater Authority, got him to be chosen Provost of *Edinburgh*. Our Historians represent the Treasurer as a very good Sort of Man of himself, but implicitely following his Patron the Earl of *Angus*, as he rose by his Means, so he fell with him; for how soon the young King found Means to make his Escape out of the Earl's Hands, Sir *Archibald* lost his Court, and was turned out of the Treasurer's Place, which was thereupon conferr'd on Mr. *Cairncross* the Provost of *Corstorphine*.

Sir *Archibald*, it seems, thinking himself in Gratitude obliged to run the Fate of the Earl his Nephew, he stuck firm to him in all his Troubles, and having had some Accession to the Outrages at that Time committed by his Lordship, he was with him indicted of high Treason before the Parliament, and being found guilty, they were both condemned and forfeited the 5th of *September* 1528 (*e*). After the Attainder, Sir *Archibald* fled to *England* with the Earl of *Angus*, where he remained long; at Length believing himself less faulty than the rest of his Friends, and withal presuming upon the former Favour the King had shown him, he ventured home, and threw himself in the King's Way at the Gate of the Castle of *Stirling*, thinking he might obtain his Pardon; but his Majesty being inexorable against the *Douglasses*, he would not see him, yet from the Generosity of his own Nature he would not proceed against him capitally as he might have done, but sent him a Message, ordering him to go beyond Sea, till he should know his further Pleasure. The honest Gentleman readily enough obeyed the King's Command, and thereupon retired to *France*, where he died soon thereafter (*f*); but the precise Year I cannot well tell. It was however before the King's own Death in 1542; for the Year thereafter, when the Earl of *Angus*'s Forfeiture was reversed in Parliament, so was his Uncle *Kilspindy*'s (*g*). But I observe he is then deceast, and *Archibald Douglas* his Son is restored to his Father's Estate of *Kilspindy* in the same Act with the Earl of *Angus*, and Sir *George Douglas* his Brother.

Robert Bishop of *Ross*.

This wealthy Prelate's Sirname was *Cairncross*, descended without Doubt of the Family of *Balmashana*

(*a*) Charta in pub. Archivis. (*b*) I have seen a Charter in the Hands of Sir Alexander Cunninghame of Corshill, granted by William Master of Glencairn to Andrew Cunnighame his Son, of the Lands of Cultstra, Dowray, Little Robertland and Clerkland, dated at Edinburgh the 28th of September 1532. (*c*) History of the Douglasses by Mr. Simpson, M. S. and Rymer. (*d*) Charta in pub. Arch. (*e*) Records of Parliament amongst the publick Archives at Edinburgh. (*f*) Mr. Hume's History of the Douglasses. (*g*) Records of Parliament.

nan in *Forfar* Shire, where I find them as early ſeated as the Time of King *Robert* II. What the Biſhop's Parents were I could not learn, nor yet the Time of his Birth; but having finiſhed the Courſe of his Studies in the *Belles Lettres* and Philoſophy, in one or other of the Univerſities, he applied himſelf cloſly to Theology, and entring into holy Orders, he was advanced to be Provoſt of the Collegiate Church of *Corſtorphine*, a Place then both of conſiderable Dignity and Revenue.

MR. *Cairncroſs* being one of the King's Chaplains, he came quickly into a conſiderable Degree of Favour and Confidence, inſomuch that he was brought to be Treaſurer upon the Fall of the Earl of *Angus* the 5th of *September* 1528 (*a*). An Author of Credit (*b*), where his Politicks do not interfeir, tells us, That the Lord Treaſurer, being a Man of great Wealth, and thriſting after a Benefice, hearing that the Abbot of *Holyroodhouſe* was at the Point of Death, that he might avoid the Crime of Simony, lays a great Wager with the King that he ſhould not have the Donation of the firſt Benefice that fell in his Majeſty's Preſentation. The King, tho' but young, underſtanding well enough the Treaſurer's Meaning, was content to win the Wager, and preferred him to the Abbacy, which a few Days after fell void by the Death of Mr. *Douglas* the Earl of *Angus*'s Brother. He did not long continue in the Treaſurer's Place; for upon the bare Suſpicion that he was a Favourer of the *Douglaſſes*, and had held ſome private Correſpondence with the Earl of *Angus*, he was turned out of the Treaſury (*c*), whereupon the Office was given to Sir *Robert Barton* in the Beginning of the Year 1529 (*d*).

THE Abbot after that found Means to recover again the King's Favour, and his Majeſty having now and then Occaſion to uſe his Service in the Loan of Money, when the Treaſury was low, was pleaſed a ſecond Time to make him Treaſurer, upon the Surrender of the Office by Biſhop *Stewart* of *Aberdeen*. His Commiſſion is ſtill extant in the publick Archives, and bears Date the 30 of *May* 1537 (*e*). Obſerve it is only *for the King's Will to endure*; but he continued no longer in the Place than till the 24th of *March* 1538, that he was removed, and Sir *James Kirkcaldy* of *Grange* made Treaſurer in his Room (*f*). Much about this Time, the Epiſcopal See of *Roſs* falling void by the Death of Biſhop *Hay*, he was elected by the Chapter, and conſecrated thereto, all the neceſſary Forms of his Inauguration being expede in three or four Months after the Death of his Predeceſſor.

UPON the Death of the King, Biſhop *Cairncroſs* was by the Parliament appointed to be one of the Lords of the Council to the Governor the Earl of *Arran*, who was declared Regent during the Queen's Nonage, *anno* 1543 (*g*). He joined with the reſt of the Clergy in oppoſing the Treaty of Peace with *England*, and the Marriage of the young Queen with Prince *Edward* the King of *England*'s Son, being afraid it might uſher in a Reformation, which might prove an Abatement of their Wealth and Power, and was the Thing in the World they dreaded moſt. But tho' the Biſhop had done all he could to help on a War, as the Effect of the Breach of the Treaties with *England*, yet he did not ſee the End of theſe Calamities, for he died in the Month of *April* of the Year 1544 (*h*), juſt a Month before the *Engliſh* Army invaded the Kingdom, that they laid the Town of *Edinburgh* in Aſhes, and made great Devaſtations through the Country from *Berwick* to that Place. Biſhop *Cairncroſs* was ſucceeded in the See of *Roſs* by the learned and polite Dr. *David Pan-*

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(*a*) Charta in Rotulis Jacobi V. (*b*) Mr. George Buchanan. (*c*) Mr. Holingſhed's Chronicle. (*d*) Charta in pub. Arch. (*e*) Ibidem. (*f*) Ibidem. (*g*) Ibidem in the Records of Parliament, anno 1543. (*h*) Sir James Balfour's Annals M. S. in the Library of the Univerſity of Glaſgow.

tar then Abbot of *Cambuskenneth*, and Secretary of State.

Sir *Robert Barton* of *Overbarntoun.*

THE Lord Treaſurer was the Son of Captain *John Barton* Skipper in *Leith* (*a*), a Perſon of great Magnanimity and Courage. Sir *Robert* himſelf in his Youth followed the ſame Trade and Buſineſs, and with ſuch Succeſs as enabled him to acquire an Eſtate in Land, the Barony of *Overbarnton*, from Sir *William Dundas* of *That-ilk* in 1507, from whence he afterward took his Title and Deſignation (*b*): And growing daily in Reputation for Induſtry and Integrity, King *James* V. made him Comptroller of the Exchequer the 6th of *May* 1524 (*c*), and having managed in that Poſt to his Majeſty's great Satisfaction, he was pleaſed, not only to continue him Comptroller, but further to prefer him to be Lord High Treaſurer of *Scotland* in the Room of the Abbot of *Holyroodhouſe*, by Letters patent under the Great Seal 6th of *March* 1529 (*d*). And further, to ſhew the great Confidence the King repoſed in him, and of his Abilities for his Service, he made him at the ſame Time *Maſter of the Quinzie Houſe*, as it is called, that is General of the Mint; but the next enſuing Year, upon a Change of the Miniſtry, he was removed from the Treaſurer's Place, to which Dr. *Stewart* the Dean of *Glaſgow* was preferred, and the Comptroller's Place was given to the Director of the Chancery Sir *James Colvil* of *Ochiltree*.

SIR *Robert* continued after this in a good Degree of Favour with the King his Maſter, and obtained a full and ample Exoneration and Approbation of his Services in all the Great Offices he had gone thro' under the Great Seal, wherein both his Fidelity and his Integrity are very fully ſet forth. He died in the Year 1538, or thereabout, and left Iſſue by Dame *Elizabeth Crawfurd* his Wife, Niece by her Mother to Sir *Walter Forreſter* of *Carden* (*e*), a Son *Robert Barton* alias *Mowbray*, who by Act of Parliament was ordained to change his Name by Reaſon of his Marriage with *Barbara*, the ſole Daughter and Heir of *John Mowbray* of *Barnbougle* (*f*), an ancient Family in *Lithgow* Shire: Likewiſe a Daughter *Margaret*, who was married to *John Sandilands* of *Calder* (*g*) Anceſtor to the preſent Lord *Torphichen*.

William Biſhop of *Aberdeen.*

THIS learned Prelate was the Son of Sir *Thomas Stewart* of *Minto*, by *Iſabel* his Wife, ſecond Daughter, and one of the Coheirs of Sir *Walter Stewart* of *Arthurly* (*h*), who was a Brother of the Family of *Caſtlemilk* (*i*). The Biſhop was born in the City of *Glaſgow* about the Year 1479, in the Reign of King *James* III. His Parents finding he had a noble Genius for Letters, took great Care of his Education, and at a competent Age ſent him to the inferior Schools, where he went thro' his Grammar, and other juvenile Studies in the uſual Time. After that he went to the Univerſity of *Glaſgow*, where he applied himſelf very cloſly to the Study of the *Belles Lettres* and Philoſophy, and before he removed from thence, he took the Degree of Batchelor of Arts. Mr. *Stewart* having finiſhed the Courſe of his Studies at Home, 'tis highly probable, that after the common Cuſtom of thoſe Times, he ſpent ſome Years abroad in travelling and improving himſelf in the Canon Law and Theology, and at length commenced Doctor in both theſe Faculties. Having it ſeems devoted himſelf to the Service of the Church, he enter-

(*a*) State Letter of King James IV. (*b*) Charta in pub. Archivis. (*c*) Ibidem. (*d*) Ibidem. (*e*) Ibidem. (*f*) Records of Parliament. (*g*) Charta in pub. Archivis. (*h*) Charta penes Dominum Blantyre. (*i*) Charta penes me ad Annum 1439.

ed into holy Orders, and was ſoon thereafter made Parſon of *Lochmaben*, after that Rector of *Air*, and a Prebend of *Glaſgow* (*a*). In that Station he continued till the 1527, that he was preferred to the Deanry of *Glaſgow*, a Place of great Dignity and Revenue, that Benefice being then void by the Death of the learned Dr. *Robert Forman*. The Merit and Parts of Dr. *Stewart* coming to be better known, King *James* V. called him by Writ to Parliament, and perceiving his Abilities ſtill more and more, and his great Induſtry and Sagacity in Buſineſs, he was pleaſed to make him Lord High Treaſurer of *Scotland* in Place of Sir *Robert Barton* on the 2d of *October* 1530 (*b*), and at the ſame Time beſtowed upon him the Provoſtry of *Lincluden* (*c*). His Majeſty being deſirous to advance the Lord Treaſurer to a higher Dignity in the Church, he took the firſt Opportunity that offered; for the old Biſhop of *Aberdeen*, Dr. *Dunbar* the Lord Regiſter dying on the 9th of *March* 1531 (*d*), he was nominated by the King, and elected by the Chapter to fill up the vacant See the 14th of *November* 1532 (*e*). Being ſoon after conſecrated, he was joined in a Commiſſion of Embaſſy to *England* to treat with that State about the Continuation of the Amity betwixt the two Nations, which was performed with Honour and Succeſs. The Biſhop's Colleague was Sir *Adam Otterburn* of *Reidhall* Knight, then his Highneſs's Advocate (*f*).

THE Biſhop was a conſiderable Benefactor to the See: He built the Conſiſtory Houſe at *Aberdeen*, enlarged the Territory of the College, and beſtowed upon it a Part of the Revenue it ſtill poſſeſſes (*g*): He built likewiſe the Library and two Schools, and founded therein four Chaplainries, as a famous Hiſtorian tells us: But, thro' a Miſtake, he ſays he was Chancellor of the Kingdom, which, 'tis very plain, he never was, but Treaſurer, an Office I ſhall very readily yield *he diſcharged*, adds that Author, *with good Credit* (*h*) for the Space of ſeven Years, that he reſigned the white Staff, which was immediately put into the Hands of the Abbot of *Holyroodhouſe*. After that he retired to his Dioceſs, and imployed himſelf in the Offices of his own Function till Death took him away on the 17th of *April* 1545 (*i*), and was interred in the Cathedral Church. The above named learned Hiſtorian gives Biſhop *Stewart* the Character of *a Man given to Vertue, charitable to the Poor, and ready to every good Work.*

Sir *James Kirkcaldy* of *Grange*

WAS a Gentleman of Birth and Eſtate in the County of *Fife*, where the Family had for a long While continued in Luſture (*k*). He was introduced by Sir *John Melvil* his Father-in-law to the Court and Service of King *James* V. who made him a Gentleman of the Privy Chamber, and afterward advanced him to be Lord Treaſurer, upon the Removal of the Abbot of *Holyroodhouſe*, the 24th of *March* 1537 (*l*). He enjoyed a very high Degree of Favour and Confidence with the King his Maſter, and tho' many Efforts were made by Cardinal *Beaton* to bring him into Diſgrace, as a Favourer of the Reformation, yet they all prov'd ineffectual, and he ſtood his Ground to the laſt, and held the Treaſurer's Place till the Death of the King.

How

(*a*) Preſentation under the Privy Seal of the Rectory of Air to Mr. George Lockhart, on the Demiſſion of Mr. Stewart the Provoſt of Lincluden. (*b*) Charta in pub. Archvis, the Exchequer Records in the Parliament Houſe at Edinburgh. (*c*) Ibidem. (*d*) Archbiſhop Spotiſwood's Catalogue, as he calls them, of the Biſhops of Aberdeen. (*e*) Ibid. (*f*) Rymer's Fœdera Angliæ, Tom. xiv. p. 536. (*g*) Archbiſhop Spotiſwood's Church Hiſtory, p. 106. (*h*) Ibidem. (*i*) Ibidem, p. 107. (*k*) I have ſeen a Charter in the Rolls of King James II. Georgio de Kirkcaldy, filio & heredi Joannis de Kirkcaldy, of the half of the Lands of Seafield on his own Reſignation in the 1440. (*l*) Records of the Exchequer in the Parliament Houſe at Edinburgh.

How ſoon the Earl of *Arran* was advanced to the Regency, Sir *James Kirkcaldy*, being then generally eſteemed one of the wiſeſt and worthieſt Men the Nation had, was again made Treaſurer, and he was one of the chief Perſons that King *Henry* VIII. of *England* depended moſt upon for bringing about the Marriage betwixt the young Queen and his Son King *Edward* VI. Soon after this the Cardinal, *Beaton*, having got a ſtrange Aſcendency every where by his Craft and Cunning, he found Means, not only to break the Treaties had been agreed to in *England*, but to be revenged on the Treaſurer as a Promoter of them; he got him turned out of his Office, the Abbot of *Paiſly* Mr. *Hamilton* being made Treaſurer in his Room.

Sir *James Kirkcaldy* being now an open Favourer of the Reformation, and an avowed Enemy to the Cardinal, I believe he thought no Means unlawful to compaſs his Deſtruction; for he being look'd upon, as really he was, the main and great Support of Popery, he entered into the Conſpiracy to murder him, that ſo they might be rid of their Grand Enemy. Sir *James* did not, for what I ſee, actually imbrue his Hands in the Cardinal's Blood, but, being aiding to the Fact, he was with a great many others forfeited for it by Act of Parliament in 1546 (*a*); however he found Means to get out of the Way, and went to *England*, and after that beyond Sea, where he remained till the 1550, that, by the Mediation of the Queen Dowager, he made his Peace with the Government, and was reſtored to his Eſtate. But tho' he had been a very active Man before, yet I never find him after this medling in any publick Affair, ſo far as appears from any of our publick Offices or Hiſtories, tho' I find he lived after this till the 1556, as appears from his Son's Retour to him, which I have ſeen (*b*). His Wife, by whom he had all his Children, was *Janet*, Daughter of Sir *John Melvil* of *Raith* (*c*). His eldeſt Son was Sir *William Kirkcaldy* of *Grange*, a brave gallant Gentleman, of whom our Hiſtories are ſo full in the Reign of Queen *Mary*, and the Minority of King *James* VI. every Hiſtorian almoſt ſtrive to outdo one another in the great and noble Character they give of him. Sir *James Melvil* who was his Uncle highly extols him; and almoſt every Body concur, that it was not the leaſt of the Blemiſhes on the Earl of *Morton*'s Adminiſtration, that he put him to Death very ignominiouſly for keeping out the Caſtle of *Edinburgh* againſt his Authority: But the Caſtle being taken by the Regent, with the Aſſiſtance of ſome Troops lent him by his good Friend Queen *Elizabeth*, the Governor, Sir *William Kirkcaldy*, and his Brother Sir *James*, were, upon the common Score of Rebellion, both publickly hang'd at the Market Croſs of *Edinburgh* on the 3d of *Auguſt* 1573, and their Heads were ſet up upon the Caſtle Wall. The Lord Treaſurer had a third Son, Mr. *George Kirkcaldy*, and ſeveral Daughters; *Marjory* who was married to *Henry Ramſay* of *Coluthy*, *Agnes* to Sir *Robert Drummond* of *Carnock* (*d*), and *Marion* to *William Semple*, Son and apparent Heir to *Gabriel Semple* of *Cathcart*.

John Archbiſhop of St. *Andrews*.

Archbishop *Hamilton* was the natural Son of *James* the firſt Earl of *Arran*, by Mrs. *Boyd*, a Gentlewoman of a very good Family in *Air* Shire (*e*). He was born in the Reign of King *James* V. The Earl his Father took great Care of his Education, and finding he had a noble Genius to Learning, reſolved to breed him to the Church, as the eaſieſt and genteeleſt Way to provide for him. After he had

(*a*) Records of Parliament. (*b*) Retour in the Chancery of Sir William Kirkcaldy of Grange to Sir James Kirkcaldy his Father. (*c*) Charta in pub. Archivis. (*d*) Ibidem. (*e*) Genealogical Pedigree of the illuſtrious Houſe of Hamilton, penes me, M. S.

gone thro' the Learning of the Grammar Schools at a competent Age, he was ſent to the Univerſity of *Glaſgow*, where he ſtudied the *Belles Lettres* and Philoſophy with Diligence and Succeſs, inſomuch that the King, to countenance his promiſing Hopes, gave him the Abbacy of *Paiſly*, upon the Promotion of Abbot *Shaw* to the Epiſcopal See of *Murray*, *anno* 1525 (*a*). After this he went over to *France*, and ſettled at *Paris*, where he purſued his Studies in the Canon Law and Theology; but whether he proceeded Doctor in either of theſe Faculties, I cannot tell. He ſtaid abroad till his Brother the Earl of *Arran* was preferred to the Regency upon the Death of King *James* V. *anno* 1543, that he returned home by the Way of *England*, where King *Henry* VIII. ſhewed him ſingular Civilities, and entertained him nobly at his Court (*b*). The Abbot being looked on as a very learned and polite Man, quickly gained a mighty Aſcendency over the Governor his Brother, inſomuch, that with the Aſſiſtance of Cardinal *Beaton*, he prevailed with him to break and reſile from the Treaties of Peace and Marriage, that had been entered into betwixt the Parliament of *Scotland*, and King *Henry* VIII. anent the Marriage of the young Queen and Prince *Edward* his Son, being afraid, it ſeems, as all the Clergy were, of a Reſormation, which was the Thing in the World they dreaded moſt. The carrying this Point, which no Doubt was a Piece of important Service to the Clergy, indeared him exceedingly to all that were in the *French* Intereſt, and particularly to Cardinal *Beaton* the Archbiſhop of St. *Andrews*, the Head of the Party, who, the more to engage the Abbot to his Intereſt, reſigned the Privy-Seal in his Favour (*c*): And that he might now appear in greater Luſtre, he was advanced to be Lord High Treaſurer (*d*), in the Room of Sir *James Kirkcaldy* of *Grange*, who was a Favourer of the Reformation, and an avowed Enemy to the Prieſts. I am not certain if all this While the Abbot was in Orders, it is likely he was, for he was ſoon after this preferred to a Biſhoprick, for the See of *Dunkeld* falling to vace by the Death of old Biſhop *Crichton*, in the End of the 1543 he was promoted thereto, and by a Papal Diſpenſation kept his Abbacy in Commendam. Here he ſat till 1546, the Archbiſhoprick of St. *Andrews* becoming void, upon the Murder of Cardinal *Beaton*, he was nominated by the Governor to the Primacy; and his Election being quickly paſſed by the Canons, his Tranſlation was confirmed by Pope *Paul* III. who was willing to oblige the Governor for Fear of a Defection from the *Romiſh* See. It was at this Time the Archbiſhop reſigned the Privy-Seal, which was thereupon beſtowed on the Lord *Ruthven*.

THE Archbiſhop the Lord Treaſurer being now at the Head of the Church, and every Whit as much in the Intereſt of *Rome* as his Predeceſſor, he followed his Maxims, and proſecuted with great Rigour all ſuch as differed from the received Doctrines. The firſt that felt the Effects of his Power and Reſentment was one *Adam Wallace*, a Man very zealous in Religion, whom he cauſed apprehend at *Winton* in *Lothian*, and brought him to *Edinburgh*, where he was tried for Hetrodoxy; and being found guilty of ſuch Articles as they charged him with, he was pronounced a Heretick, and delivered over to the ſecular Power, who ſentenced him to Death, and he was the next Day burnt at a Stake upon the *Caſtlehill*. But the Archbiſhop finding that ſuch Methods of Severity were not like to anſwer his End, and ſuppreſs the Growth of the Reformation, he fell upon a Device that was much more ſuitable to the Chriſtian

(*a*) Regiſters of the Privy Seal. (*b*) Mr. Holinſhed's Hiſtory. (*c*) Charta in pub. Archivis ad Annum 1543. (*d*) Ibidem.

Chriſtian Religion, and that was to call a Synod of the Clergy, which he did, where they might concert what Steps they were to take in this Juncture, to keep the People from deſerting their Communion. Accordingly the Convocation met at St. *Andrews* in the Year 1551, where, by the Archbiſhop's Direction, with the unanimous Conſent and Approbation of the Clergy, an *Engliſh Catechiſm* was drawn up and publiſhed (*a*), which contained a brief Expoſition of the *ten Commandments*, the *Creed*, and the *Lord's Prayer*; and the Curates were obliged to read Part of it every *Sunday* and *Holyday* when there was no Sermon. This however gave but little Satisfaction, for by this Time the Knowledge of the true Religion had ſpread and diffuſed itſelf ſo wonderfully throughout the Nation, that no Accommodation now would do. Such a Conceſſion, as the Principles of Religion in the vulgar Language, which the Clergy now yielded to, would have ſome Years before been thought a great Matter, and might have been a Mean at leaſt for ſome Time to have kept Things in Temper and Quiet, and have prevented many of thoſe Tumults, which have been charged by ſome as Blemiſhes upon our Reformation.

Some Time after this, the more to keep up the Spirit of Popery in the Nation, which was now viſibly ſinking every Day, the Archbiſhop, with Conſent of his Chapter, at leaſt ſo many of them as ſtuck to him, gave to the New College of St. *Andrews*, founded by his Predeceſſor Archbiſhop *Beaton*, *Rectoriam & victariam eccleſiæ parochialis de Tarvet, novo Collegio & loco Pedagogii civitatis noſtri Sancti Andriæ, ac Magiſtris Regentibus, Barſariis & Studentibus ejuſdem ac ſui communi menſæ*, to be united for ever thereto. This Union is afterward confirmed by a Charter under the Great Seal of *Henry* and *Mary* King and Queen of *Scotland* (*b*), of the Date the 15th of *July* 1566.

It was not long after this the Lord Treaſurer ſuffered ſomewhat of a Diminution of his Power; for his Brother the Governor, while the Archbiſhop was ill of a Dropſie (*c*), and out of the Way, was induced by ſome whom he chiefly truſted to reſign the Government to the young Queen, in order to make her Mother the Queen Dowager Regent; whereupon he was turned out of the Treaſurer's Place, which was immediately conferred upon the Earl of *Caſſils*, who had been a leading Man in this Turn. But altho' the Archbiſhop had now leſs Power, yet we ſee he ſhewed no leſs Inclination to proſecute the Profeſſors of Religion, and with the ſame Rigour and Severity he had done before: For tho', 'tis true, none ſuffered Martyrdom after this, ſave an old Prieſt, one Mr. *Milne*, whom he cauſed burn at St. *Andrews* (*d*), yet we have but very little Ground to think it flowed from any Thing like a relenting in the Biſhop, but to the Divine Providence who defeated all his Bloody Deſigns, and diſpoſed the Bulk and Body of the Nation to embrace the Reformed Religion with great Zeal, and to throw off the Yoke of Popery, as a Burden that was grievous and inſupportable. The Archbiſhop however kept the Hold as long as he could; for in a View of oppoſing and obſtructing the Settlement of the Reformation in the Convention of Eſtates 1560, he was preſent with all the Force he was able to muſter up. At firſt he made a loud Remonſtrance againſt the chuſing the Lords of the Articles for the Eccleſiaſtical State, becauſe Biſhop *Gordon* of *Galloway*, and his own Brother the Biſhop of *Argyle*, and ſome other Clergymen, who had gone over to Proteſtancy, were elected: But his Allegations not being reckoned any reaſonable Exceptions, the Matter was over-ruled. A grave and judicious Hiſtorian (*e*) obſerves, and which was very ſtrange, that now, when the *Confeſſion of Faith* was reading in the Houſe, in or-

(*a*) Archbiſhop Hamilton's Catechiſm, printed at St. Andrews anno 1551. (*b*) Charta in pub. Archivis. (*c*) Mr. Echard's Hiſtory of England, p. 310. (*d*) Archbiſhop Spotiſwood's Eccleſiaſtical Hiſtory, &c. (*e*) Archbiſhop Spotiſwood.

der to receive the Sanction of a Law, neither the Archbiſhop, nor any of his Brethren the Biſhops, did either impugn the Proteſtant Doctrine or offered any Thing in Defence of their own Religion, from which a noble Lord inferred they were conſcious of the Orthodoxy of the *Proteſtant Confeſſion*, and that all the Centures of the *Roman* Catholick Religion contained in the Articles were well founded, and ſo the Confeſſion paſſed the Houſe. The ſame learned Hiſtorian (*a*) tells us, That ſome little While after this, when the ſettling of a Scheme of Church-Government was under Conſideration, and that the *Geneva* Plan was like to be received, the Archbiſhop ſent Mr. *Brand*, who was afterward Miniſter at the *Canongate*, to Mr. *Knox* with a Meſſage, wherein he bid him tell him from him, *That albeit he had innovated many Things, and made Reformation of the Doctrine of the Church, whereof he could not deny but there was ſome Reaſon, yet he ſhould do wiſely to retain the old Policy, which had been the Work of many Ages; or then put a better in the Place thereof before he did ſhake the other (b).* I had almoſt forgot to remark, That in the Seſſion of Parliament that ratified the *Proteſtant Religion*, there was another Act paſſed that fell heavy on the Archbiſhop and all the *Roman* Catholicks. By the Statute, *ſaying and hearing of Maſs* was declared capital at the third Offence. He did not, it ſeems, think this Law of Weight enough to keep him from performing Divine Service in the Way of his own Communion, or exerciſing other Offices of the Prieſthood, of which being convicted in the 1562, he was committed to the Caſtle of *Edinburgh*; but the Queen no ſooner heard of this Uſage than he was inſtantly releaſed.

After this, the Archbiſhop came into high Favour with the Queen. In the 1565 he was named one of her Majeſty's Privy-Council, and how ſoon ſhe was delivered of her Son King *James* VI. he was pitched on to adminiſter the Sacrament of Baptiſm to the Prince, which was done with all the cuſtomary Ceremonies of the *Romiſh* Church, excepting Spittle, which was omitted by the Queen's Order. The Reformed Clergy took it ill that the Prince was not baptiſed into their Communion, but that which diſobliged them much more, was a Commiſſion given to the Archbiſhop under the Great Seal, reſtoring him to his former Juriſdiction in the Probate of Wills, in collating to Benefices, and other Branches of Juriſdiction in the Spiritual Courts. This being highly reſented, they drew a Petition to the Reformed Nobility of the Secret Council. In this Addreſs *They acquaint the Lords, that the Cauſes tried in theſe Courts did moſt of them belong to the Cognizance of the true Church: That notwithſtanding they had hitherto connived at Royal Commiſſions of this Kind, yet this Acquieſcence was becauſe the Majority of the Perſons impowered were of their own Profeſſion, but they could never reſign ſo far to a known Enemy to Chriſt and his Truth: That this Juriſdiction would give him a Colour of recovering his pretended Authority: That he might uſurp the Cognizance of Hereſy, and then 'tis eaſy to gueſs what Sentence he would paſs upon the Reformed. Their Requeſt was therefore, that the Queen ſhould be acquainted this Commiſſion was a Revival of the Papal Supremacy, a Breach upon the Conſtitution, and acting counter to ſeveral Proclamations publiſhed by Her Majeſty (c).* What Anſwer they received to this Addreſs, or whether the Archbiſhop acted upon this Commiſſion or not, is farther than I can diſcover. But whatever he might do for the preſent, 'tis certain the State Revolution, which happened the next Year, put an End to his Privilege.

When

(*a*) Archbiſhop Spotiſwood. (*b*) Ibidem, p. 174. (*c*) Mr. Knox's Hiſtory.

WHEN the Queen resign'd the Crown to the Prince, while she was a Prisoner in *Lochleven*, the Archbishop espoused her Interest with great Zeal, and was a very leading Man of the Party who met at *Hamilton* in the End of the Year 1567, when they drew up a Bond or Association, *Wherein they promise faithfully to use their utmost Endeavours, by all reasonable Means, to procure her Majesty's Freedom and Liberty, upon such honest Conditions as may stand with her Majesty's Honour, the common Weil of the Realm, and Security of the whole Nobility, who at present have her Majesty in Keeping. And in Case the Noblemen, who at present have her Majesty in their Hands, refuse to set her at Liberty, upon such reasonable Conditions as said is, they engage themselves, their Kindred, Friends, Servants and Partakers, their Bodies and Lives, to set her Highness at Liberty, as said is, and also to concur to the Punishment of the Murder of the King her Majesty's Husband, and for sure Preservation of the Prince; as they shall answer to God, and on their Honour and Credit* (a). The Queen having soon after this luckily made her Escape from *Lochleven*, the Archbishop repaired to her, and joined with the rest of the Nobility in advising her Majesty, that before she should attempt any Thing by Force, to send a Message to the Earl of *Murray*, to desire him peaceably to resign the Regency, and to repone her Majesty to her just Authority; but that the Regent refusing to yield to, it was determined *that she should retire to the Castle of* Dunbarton, *and there remain till her faithful Subjects came to her Assistance*. In Pursuance of this Resolution, she began her March on the 13th of *May* 1568, attended by the Archbishop, and a great Train of the Nobility, and others who appeared for her Interest, to the Number of five or six Thousand effective Men. But the Regent resolving to give no Time to his Enemies, posted himself in her Way to oppose her Passage, with an Army much inferior in Number to the Queen's Forces, but more resolute and better armed from the publick Magazines. In short, both Parties met at the Village of *Langside*, where the Queen's Army was routed, whereupon, with the Archbishop, and a few others in her Company, she fled towards the Border, resolving to go to *England* for Shelter and Protection from Queen *Elizabeth*, which she had great Reason to expect.

WHILE the Queen lay at *Dumfries*, the Archbishop joined with the rest of her Friends, in dissuading her from venturing into *England*, or trusting herself to Queen *Elizabeth*, who, he said, never mean'd well to her or her Country, to which she deriv'd from her Ancestors, even an hereditary Hatred; That it appeared too well, how much that Queen favoured her Interest, when in the Beginning of her Troubles she gave more than a bare Protection to her rebellious Subjects: That it was undoubtedly the Interest of *England* to keep for good and all in their Hands a Princess, who was look'd on by all abroad, and not a few at Home, as the Heir of their Crown, and a known Enemy to the established Religion of their Country: That in her Absence, and during her Confinement, they might rule *Scotland* at their Pleasure, by keeping her Enemies in constant Fear of restoring her again to her Kingdom, an Advantage which could not but be obvious to every *Englishman*, who knew what Numbers of considerable Friends the Queen of *Scots* had still at Home: That it was then, and heretofore had been the Business of *England*, by such, or any other Methods, to divide *Scotland*, and bandy one Faction against the other, to weaken the whole; as appeared too plainly in the unhappy Dispute betwixt the *Bruce* and the

(a) Sir James Melvil's Memoirs, and Mr. Crawfurd of Drumsuey's Memoirs of the Affairs of Scotland, published in 1706.

Beliel, &c. In ſhort, all theſe Arguments were in Vain; for the unhappy Queen, judging it ſeems of the Intentions of others, by the Sincerity of her own, and relying entirely upon the Honour of the *Engliſh* Queen, ſhe left at once her Native Country, and her faithful Friends, and, with a ſmall Retinue, ventured into *England*, from whence ſhe never returned.

AFTER the Queen's Flight, the Archbiſhop, among others who had adhered to her, was ſummon'd to appear before the Parliament, which met at *Edinburgh* in *July* thereafter, to anſwer to ſuch a Charge as ſhould be exhibited againſt him; but well knowing the Animoſity the Regent had againſt him, he did not think it ſafe for him to appear, and thereupon was declared guilty of High Treaſon, and upon that Outlawry he afterward ſuffered. For a While after this the Archbiſhop lay concealed among his Friends in the Weſt; but finding little Security there, and that there was a ſtrict Search making for him, he found Means to get ſafely to the Caſtle of *Dumbarton*, which the Lord *Fleeming* held out for the Queen. Here he remained in Safety for above a Year, till the Caſtle was ſurprized by Captain *Thomas Crawford* of *Jordanhill*, that he and ſeveral other Perſons of Quality were made Priſoners. The next Day, by the Regent's Order, the Archbiſhop was ſent under a ſtrong Guard to the Caſtle of *Stirling*, where, on the 5th of *April* 1571, he received an Indictment of High Treaſon, which in the Charge was reduced to theſe particular Heads.

I. *That he knew and was particeps of King* Henry's *Murder.*

II. *That he conſpired againſt the King's Perſon, at the Murder of the firſt Regent, intending to have ſurprized the Caſtle of* Stirling, *and to have been Maſter thereof at his Pleaſure.*

III. *That he knew or was particeps of the Murder of* James *Earl of* Murray *late Regent.*

IV. *That he lay in Wait at the Wood of* Callendar *for the Slaughter of* Matthew *Earl of* Lennox *now Regent.*

BEING called to the Bar, before the Indictment was read, he mov'd earneſtly for a Trial, and that he might be proceeded againſt in the ordinary Form, and have a longer Day allowed him to prepare his Defences; but being over-ruled by the Court, and finding they were reſolved upon his Ruin, he ſpoke at full Length to the ſeveral Heads of the Libel, with Abundance of Temper and Moderation. The firſt, ſecond, and fourth Articles of the Charge he denied with a very ſolemn Aſſeveration; but to the third he candidly anſwered, *I not only knew thereof, and wald not ſtop it, but rather furtherit the Deed thereof, whilk I heartily repent, and ask my* GOD *Mercy for the ſame.* As to the firſt Head of the Indictment, one Witneſs only appeared againſt him; one *Robertſon* a Prieſt, who affirmed, *That one* John Hamilton, *at that Time the Biſhop's Servant, ſent for him when he was a dying, and among many other Crimes confeſſed, that by his Maſter's Order he was preſent at the Murder of the King.* The Archbiſhop calmly heard *Robertſon*'s Evidence, and addreſſing himſelf to the Judges, only ſaid, *The Prieſt ſinneth deadly to lie upon me, who knoweth nothing of the Matter, and mindeth not that it is a Sin alſo to reveal Confeſſion.*

THE End of his Indictment and Trial, after all, ſeems to have been only to blind People, and blacken his Reputation; for upon a Doom of Forfeiture led againſt him in the Regent *Murray*'s firſt Parliament, he was ſuddenly ſentenced to be hang'd, upon the common Score of Rebellion againſt the King, the 7th of *July* 1571 *(a)*. He was the ſame Day hurried to his Execution for Fear, as

(a) Sir James Balfour's Annals, M. S. from the Copy in the Library of the Univerſity of Glaſgow.

as is reported, the Queen of *England* ſhould have interpoſed for his Life, tho' this Story has but little Appearance of Truth, if we conſider that the Archbiſhop was intirely in the Intereſt of Queen *Mary*, that he was a Brother of the Duke of *Chattelrault*'s, and an hereditary Enemy to the Earl of *Lennox*, who was then Regent to the young King his Grandſon. The Ignominy of his Death, however, was much cenſured, as very unſuitable to his Quality and Station; but his lying under a Suſpicion of the encouraging the Murder of the King and the Regent, made him fall unpitied by the Generality. As to his Character, he ſeems to have had a competent Share of Learning, a good Head for Buſineſs, and of an enterprizing Temper, but incontinent to a great Degree of Scandal (*a*), which brought a general Reproach upon the *Romiſh* Clergy, when ſuch a diſſolute Prelate was at the Head of their Church. To conclude, Archbiſhop *Hamilton* was an Author, and publiſhed

A Catechiſm in four Parts, viz. Of the Ten Commands, the Creed, the Sacraments, the Lord's Prayer, the Ave Maria, with an Exhortation to the Clergy and Laity of Scotland.

THIS Performance, from the Title, appears to have been laid before a Provincial Council of the Clergy of *Scotland*, holden by the Archbiſhop, as Legate, at *Edinburgh* in *January* 1551, and concluded by him, with the Advice of the Biſhops and Doctors of Theology and of the Canon Law. The Book, conſiſting of 226 Pages in Quarto (*b*), is printed at the Archbiſhop's Charge, and publiſhed by his Command at St. *Andrews* in the 1552.

Gilbert Earl of *Caſſils*.

THIS noble Earl was the eldeſt Son of *Gilbert* the ſecond Earl of *Caſſils*, by the Lady *Iſabella Campbel* his Wife, Daughter of *Archibald* Earl of *Argyle* (*c*). He was born in the 1515, and having loſt his Father while he was young, the Earl of *Angus* took him under his Care and Protection while he was the prime Miniſter. He was bred at the Univerſity of St. *Andrews* (*d*), where he ſtudied the uſual Time, and after that went to *France*, and had the famous Mr. *Buchanan* our Hiſtorian for his Tutor.

THE Earl of *Caſſils*, being a young Nobleman of excellent Breeding and Parts, was ſoon after his Return made one of the Lords of the ſecret Council to King *James* V. and admitted him into a very great Degree of Confidence and Favour. He was one of the Nobles, who upon the King's Summons met him on the Border in *November* 1542, when his Highneſs intended to invade *England* with an Army he had raiſed with that View. But from what followed, it appeared his Lordſhip, and moſt of the other Nobles, obeyed more from Duty to their Prince, than from any Inclination of their own, knowing that this unſeaſonable Expedition was a Trap laid by the Clergy to inſnare them if they refuſed. The diſmal Overthrow of the *Scots* Army at *Solowey*-Moſs upon that is ſo well known, that I need not inſiſt upon it. To be ſhort, a great many *Scots* Noblemen and Gentlemen were made Priſoners (*e*), and carried to *London*, and among others the Earl of *Caſſils*. His Lordſhip

(*a*) The Archbiſhop's Incontinency was ſo avowed and notorious, that, to the great Reproach of his Profeſſion, he kept a Lady of Quality, another Gentleman's Wife, who was his own Relation and his Nameſake, who bore him ſeveral Children. Three of them came to Maturity, John Hamilton of Blair, near Culroſs, William Hamilton of Drumray, and a Daughter, Jean, who was married to Robert Bruce of Blairhall. (*b*) This rare Book I have ſeen in the learned Mr. Anderſon's Library at Edinburgh. (*c*) Pedigree of the Houſe of Caſſils in the Peerage of Scotland, p. 73. (*d*) Mr. Knox's Hiſtory of the Reformation. (*e*) Mr. Rymer's Fœdera Angliæ.

was put into the Hands of the Archbiſhop of *Canterbury*, where he was entertained with great Freedom and Honour (*a*), and was the happy Mean of bringing him firſt to the Knowledge of the reformed Religion, of which he became a very hearty and ſincere Promoter. Upon the Death of King *James*, King *Henry* VIII. carreſſed the *Scots* Priſoners, and ſuggeſted to them a Match betwixt their young Queen, and his Son Prince *Edward*; they, to be ſure, entertained the Propoſal very well, and promiſed to uſe all their Intereſt to bring it about: So having given Hoſtages for the Security of their Ranſom (*b*), his Lordſhip and the Reſt were diſmiſſed to *Scotland* to forward the intended Match, and the conſequential Union of the two Nations.

When the Parliament met, the Earl of *Caſſils* eſpouſed the Intereſt of *England* in a very hearty Manner, but ſtill with a dutiful Regard to his Queen and Country; for we may obſerve, That tho he was abundantly zealous for the Peace and Marriage, yet he endeavoured all he could to bring the King of *England* to reaſonable Terms, in Relation to the Time of ſending the young Queen thither, which was the Article moſt ſtuck at (*c*). Upon the Breach of the Treaties, by the Popiſh Intereſt, the Earl of *Caſſils* was the only one of all the Priſoners who went up to *England* to relieve his Hoſtage (*d*). When he arrived at *London*, he was honourably entertained by King *Henry*, who not only diſcharged his Ranſom, but preſented him nobly at his going off. I am able to give little or no Account of the Conduct of the Earl during the calamitous Times that enſued upon the Breach of the Peace and Marriage with *England*: It is likely he went abroad; for tho' I look upon the Earl to have been a better Man than to do any Thing that might be prejudicial to his Country, yet perhaps the Sentiments of Gratitude he lay under to the *Engliſh* Monarch, made him ſomewhat neuter in thoſe Broils, and, as I take it, reſolved never to draw his Sword againſt King *Henry* his generous Benefactor.

After this, Things being brought to a better Settlement, we find the Earl of *Caſſils* acting his Part in the Service of his Country, as other Noblemen did. He had a main Hand in bringing about the Reſignation of the Government by the Duke of *Chattlerault* in Favours of the Queen Dowager. For the Merit of this Service he was made Lord High Treaſurer of *Scotland* in the Room of the Archbiſhop of St. *Andrews*, *anno* 1554 (*e*). In that Station he behaved very well, and having a good general Reputation throughout the Nation, he was one of the Commiſſioners appointed by the Eſtates to go over to *France* to witneſs the Queen's Marriage with the Dauphine. Accordingly the Ceremony was performed at *Paris* in Preſence of the *French* King, the Ambaſſadors from *Scotland*, and the whole Court of *France* the 24th of *April* 1558, the Day ſtipulated by the Treaty, which had been ſubſcribed and ſworn to ſome Time before. How ſoon the Solemnity was over, the Court of *France* dealt with the *Scots* Lords, that the Crown of *Scotland* might be given to the Dauphine: They refuſed to undertake that, and believed it could not be brought about. Upon that they were ſuffered to return; but when they came to *Deip*, the Lord Treaſurer, and two other of the Commiſſioners, the Earl of *Rotheſs* and Biſhop

(*a*) Biſhop Burnet's Hiſtory of the Reformation of the Church of England, and Mr. Colier's Eccleſiaſtical Hiſtory. (*b*) Rymer's Fœdera Angliæ, Tom. xiv. p. 796. where the Curious may ſee the Ranſom of every one of the Scots Priſoners of Quality. The Earl of Caſſil's Ranſom, we ſee, was 1000 L. Ster. (*c*) Sir Ralph Sadler's Memoirs lately publiſhed. (*d*) Biſhop Burnet's Hiſtory of the Reformation of the Church of England. (*e*) Sir James Balfour's Annals, and the Regiſters the Great Seal in the publick Archives at Edinburgh.

Biſhop *Reid* died in one Night, *viz.* the 28th of *November* (*a*), it being generally believed they were poiſoned for not going into the Deſign of giving the matrimonial Crown to the Dauphine. The Earl's Body was brought over to *Scotland*, and buried among his Anceſtors in the collegiate Church of *Maybole* in *Carrick*, and had the Honour to have his Epitaph write by the celebrated Hiſtorian and Poet, Mr. *Buchanan*, which I ſhall here inſert.

Hic ſitus eſt heros, humili Gilbertus in urna
Kennedus antiquæ nobilitatis, honos
Muſarum, matriſque Deus, patriſque miniſter,
Et columen patriæ, conſiliumque ſuæ,
Occidit, inſidiis fallaci exceptus ab hoſte,
Bis tria poſt vitæ luſtra peracta ſuæ;
Parce hoſpes lachrimis & inane comprime luctum,
Non miſere quisquam, qui bene vivit, obit.

THE Earl of *Caſſils*, the Lord Treaſurer, married Dame *Margaret Kennedy*, Lady *Craigy* (*b*), Daughter of *Alexander Kennedy* of *Bargeny*, and left Iſſue; *Gilbert* the next Earl of *Caſſils*, and Sir *Thomas Kennedy* Tutor of *Caſſils*, the Anceſtor of Sir *John Kennedy* of *Colzean* Baronet; alſo two Daughters, the Lady *Jean*, who was married to *Robert* Earl of *Orkney*, one of the natural Sons to King *James* V. (*c*), and the Lady *Katharine* to Sir *Patrick Vauſe* of *Barnburrow* Knight, and had Iſſue.

Mr. *Robert Richardſon* Commendator of St. *Mary Iſle*.

MR. *Richardſon* was deſcended of a Stock of ancient and opulent Burgeſſes of *Edinburgh*, where they had long remained in Reputation and Reſpect. The Treaſurer himſelf being a Perſon of great Wealth and Credit, was upon the Fame of his Integrity preferred to the Treaſurer's Place by the Queen Regent, on the Death of the Earl of *Caſſils*, *anno* 1558 (*d*), and made alſo General of the Mint. When Mr. *Richardſon* came firſt to the Office, he deſigns himſelf *Burgenſe de Edinburgh*; but ſoon after that, having got the Commendatory of St. *Mary Iſle*, which was a Cell of *Holyroodhouſe* Abbay, from that he henceforth took his Title. He appears to have been a very wiſe moderate Man; for, ſo far as I can obſerve from the Hiſtory of theſe Times, he kept himſelf more in a Neutrality, and was leſs a Party-man than any other that held any great Office about the Court. He was never violent againſt the Queen, tho' he complied with the Government under the young King, and was by the Regent continued in his Place, which he kept till his Death in the 1571. He purchaſed a great Eſtate in Land, the Barony of *Sweaton*, *Valleyford* (*e*), and others, which he divided betwixt his two Sons, Sir *James Richardſon* of *Sweaton*, and Sir *Robert Richardſon* of *Pancaitland* Baronet.

William Earl of *Gourie*.

THIS noble Lord was the Son and Heir of *Patrick* Lord *Ruthven*, by *Jean* his Wife, natural Daughter of *Archibald* Earl of *Angus*. He was bred by his Father in his own Principles and Politicks: While he was but young he joined with him, and the Reſt of that Cabal, who, in the 1566, dragged poor *Rizio* out of the Queen's Preſence, and diſpatched him with no fewer than fifty two Wounds (*f*). This bold Stroke grafted him intirely into the Confidence of the diſcontented Party, as a Perſon they could well rely upon to execute their moſt daring Enterprizes. After this, the Maſter of *Ruthven* fled to *England* with his Father, and the Reſt of his Friends who had been concerned in that foul Murder. He remained at *Newcaſtle*, where his Father died, for a While, till by the Earl of *Mor-*

(*a*) Archbiſhop Spotiſwood's Church Hiſtory, and Mr. Buchanan. (*b*) Charta penes Dominum Cathcart. (*c*) Charta in publicis Archivis. (*d*) Ibidem. (*e*) Sir John Scot's State of the Scots Stateſmen from the 1550 till the 1650. M. S. penes me. (*f*) Mr. Knox's Hiſtory of the Reformation, and Mr. Hume's Hiſtory of the Douglaſſes.

ton's Means he made his Peace with the Court, and obtained the Queen's Pardon. Upon the Murder of King *Henry*, the Lord *Ruthven*, who was his Couſin German, was among the moſt forward and leading of all the Nobility for revenging his Death, and with great Zeal went into the Deſign of the Aſſociation for Defence of the Prince his Son. After this, when Things came to that Height, that the Queen was ſent a Priſoner to the Caſtle of *Lochliven*, the Party, who had taken the Adminiſtration into their Hands, ſent the Lord *Ruthven*, and another Lord, to deal with her Majeſty to reſign the Government in Favours of the Prince. When they firſt propoſed the Matter to the Queen, ſhe flatly refuſed to comply; upon which they entered into a very rude Expoſtulation, threatning her Majeſty, as it is reported, with no leſs than preſent Death. Upon that, with a Flood of Tears, ſhe ſigned a Renunciation of the Crown, with a Commiſſion to inveſt her Son in the Royal Dignity, and whatever Papers they preſented to her without ſo much as reading one of them. The Prince being upon this inaugurate, the Lord *Ruthven*, who had contributed ſo much to bring about the Turn, could ſcarce fail to get into the Miniſtry; It was however ſome Time before any Thing fell in the Gift of the Crown that was worth While. At Length the Treaſurer's Place falling void by the Death of the Commendator of St. *Mary Iſle*, his Friend the Earl of *Lennox*, then Regent, preferred his Lordſhip to the Office for Life, by Letters patent, bearing Date the 24. of *June* 1571 (*a*).

A little after this, the General Aſſembly of the Church having ſolicited the Regent to ſettle a conſtant Form of Policy in the Church, the Motion was entertained; and thereupon the Lord Treaſurer, and five others of the Council, and the like Number of the Aſſembly, were ordered to join in a Committee for concluding the Buſineſs. Theſe Commiſſioners met at *Leith* in *January* 1572, and, after ſeveral Conferences and Debates, came to a Reſolution upon the following Articles.

Firſt, THAT the Archbiſhopricks 'and Biſhopricks now void ſhould 'be diſpoſed to thoſe of the Mini-'ſtry beſt qualified.

Secondly, 'THAT the ſpiritual 'Juriſdiction ſhould be managed by 'the Biſhops within their reſpect-'ive Dioceſes.

Thirdly 'THAT all Abbots, Pri-'ors, and other inferior Prelates, 'preſented to Benefices, ſhould be 'examined by the Biſhops or Su-'petintendant within whoſe Precinct 'the Preferment happens to ly; that 'amongſt other Marks of their Abi-'lity, their Fitneſs to repreſent the 'Church in Parliament ſhould be 'examined. And laſtly, That upon 'the Biſhops or Superintendants 'Collation or Inſtitution, they ſhould 'be admitted to the Benefice, and 'not otherwiſe.

Fourthly, 'THAT to Sees va-'cant at preſent, or which ſhall 'happen to be void afterwards, the 'King and Regent ſhould nominate 'Perſons well qualified, that after 'ſuch Nomination, the Election 'ſhould be made by the Chapters 'of the reſpective Cathedrals, and 'that in Regard ſeveral of the Chap-'ter-Churches were poſſeſſed by In-'cumbents preferred thither before 'his Majeſty's Coronation, and that 'theſe Men in ſeveral Pariſhes fore-'bore the Exerciſe of their Functi-'on: To remedy this Inconveni-'ency, a Nomination of Miniſters 'was to be made in every Dioceſs 'to ſupply the Cures of theſe un-'officiating Clergy till the Benefices 'ſhould fall void.

Fifthly, 'THAT all Benefices 'with Cure beneath Prelacies ſhould 'be diſpoſed of to none but Mini-'ſters who actually officiate.

Sixthly THAT

(*a*) Warrants in the Regiſters of the Privy Seal.

Sixthly, 'THAT the Miniſters 'ſhould have Ordination from the 'Biſhop of the Dioceſs, and where 'no Biſhop is yet fixed, from the 'Superintendent of the Bounds.

Seventhly, 'THAT the Biſhops 'and Superintendents at their re'ſpective Ordinations ſhould oblige 'the Miniſters to ſwear an Oath for 'recognizing his Majeſty's Autho'rity, and likewiſe an Oath of ca'nonical Obedience to their Ordi'nary.

THESE and ſeveral other Matters of leſſer Moment were agreed to *(a)*, all which was to ſtand in Force till the King was Major, or till the Eſtates of the Realm ſhould otherwiſe determine. To clear this Matter a little, the Reader is to obſerve, that the Power of the now reſtored Biſhops was the ſame in Subſtance with that of the Superintendents, yet it was not received with general Satisfaction, I mean the Univerſality of the Clergy were not pleaſed with what was tranſacted *(b)*, inſomuch that a Proteſtation was thrown in by the next Aſſembly, bearing that they admitted the *Leith* Articles only by Way of Interim, till a more perfect Settlement might be procured from the Regent and the Nobility. This Proteſtation however was but little regarded; for, purſuant to the Reſolutions at *Leith*, ſo many of the Sees as were vacant were now filled *(c)*. Mr. *Douglas*, the Provoſt of the New College of St. *Andrews*, was promoted to the Archbiſhoprick of that See, Mr. *James Boyd* of *Trochrig* to the Archbiſhoprick of *Glaſgow (d)*, Mr. *James Paton* to the Biſhoprick of *Dunkeld*, Mr. *Andrew Graham* to the Biſhoprick of *Dunblain*. The reſt of the Sees were full; ſome of the old *Roman* Catholick Incumbents, as Biſhop *Hepburn* of *Murray*, Biſhop *Gordon* of *Aberdeen*, and Biſhop *Leſly* of *Roſs* were ſtill alive, who, tho' they were outed of their Juriſdictions, and barred the Exerciſe of their Offices, yet their Revenues were allowed them during their Lives, together with their Privilege of voting in Parliament. Biſhop *Gordon* of *Galloway*, Biſhop *Bothwel* of *Orkney*, Biſhop *Stewart* of *Caithneſs*, and Biſhop *Hamilton* of *Argyle* were at the Reformation all turned Proteſtants, *Brieben* had a Titular, Mr. *Campbel*, a Brother of the Laird of *Arkinglaſs*, and Mr. *Carſewel* one of the Superintendents, had three or four Years before this got the Biſhoprick of the *Iſles*.

BUT tho' the Lord *Ruthven* continued long firm to the Earl of *Morton* his old Friend, and for a While was his great Support, yet upon a very trivial Diſguſt he fell off from him, and finding his Account, it ſeems, in all Changes, joined with the Regent's moſt inveterate Enemies, who created him ſuch continual Vexation, that he was forced to reſign the Government to the young King himſelf before he had fully finiſhed his Thirteenth Year. For the Merit of this Service, as I take it, the Lord Treaſurer was made Lieutenant of the Borders in Place of the Earl of *Angus*, which, a famous Hiſtorian *(e)* ſays, *he diſcharged with great Commendation*. I do not find however that his Lordſhip went any further Length in the Proſecution of the Earl of *Morton*; 'tis likely he deſired he might be only humbled, but not quite deſtroyed, yet he did not break with the Party upon that, but continued in all other Things firm to them. About two Months after the Execution of the Earl of *Morton*, when the Court were beſtowing Titles of Honour, and other Marks of Favour upon thoſe who had ſerved them throughout the whole of that Proſecution, the Lord *Ruthven* the Treaſurer was made Earl of *Gowrie*; his Patent bears Date the 23d of *Auguſt* 1581. The Meaſures that were taken after

(a) Archbiſhop Spotiſwood's Hiſtory of the Church of Scotland. *(b)* Mr. Collier from Spotiſwood. *(c)* Spotiſwood. *(d)* Hiſtory of the Biſhops, and of the Epiſcopal See of Glaſgow, M. S. *(e)* Archbiſhop Spotiſwood's Church Hiſtory, Page 305.

this not agreeing with his Lordſhip's Temper and Principles, and being, it appears, a Man much given to Change, he entered into a new Conſpiracy to ſeiſe upon the young King, and take him out of the Hands of the Duke of *Lennox* and the Earl of *Arran*, who, as it was given out, were very ill Counſellors, and made a bad Uſe of their Power. The Plot was execute on the 23d of *Auguſt* 1582, at the Earl of *Gourie*'s Houſe of *Ruthven*, where his Majeſty had called in his Way from *Dunkeld* to *Stirling (a)*. The Earl himſelf being at the Head of the Conſpiracy, forcibly kept the King from going away next Day, as he intended; and having got together a Number of his Confederates, they put all his Servants from about him they did not effect; the Earl of *Arran*, who had come to wait upon his Maſter they kept a Priſoner, and prevailed with his Majeſty to ſend a Warrant to the Duke of *Lennox* to go out of the Kingdom. But this was not all the Force they put upon him; for in a Day or two after that, they forced him to diſſemble his Reſtraint, and to emit a Proclamation, declaring, *That what the Earl of* Gourie *and his Party did was by his own free Will, and that nothing was attempted againſt him, but what did become them as their Duty, and which he allowed as good Service done to himſelf and the Commonwealth.*

UPON the 8th of *October*, the Earl of *Gourie*, and the reſt of the Lords Reformers, as they were called, brought the King from *Perth* to his Palace of *Holyroodhouſe*, to ſtrengthen their Party by the Town of *Edinburgh*, and underſtanding that the Aſſembly of the Church was to meet there at the Time, they ſent the Commendator of *Paiſly*, Mr. *Erſkine*, a leading Man of the Party, to inform them of the Grounds that moved them to that Enterprize, which were the evident Peril to Religion, and other Diſorders in the State, intreating the Aſſembly might approve of their Proceedings, and to publiſh the ſame. This Deſire being conſidered by the Aſſembly, they found by a Vote the Repreſentation was true, and ſent three of their Number to the King deſiring his own Approbation of what the Lords had done.

THE King being a Priſoner, at leaſt he thought ſo himſelf, that he might pleaſe both the Lords and the Aſſembly, thought it ſafeſt for him, ſays a grave and learned Hiſtorian, *ſo far to temporize*, as to tell them, *That he believed Religion was in Hazard, wherewith his own Danger was conjoined.* Upon this the Aſſembly paſſed an Act, approving the whole Proceedure at *Ruthven, as good and acceptable Service to God, their Sovereign, and native Country; and the Proſecution thereof, all Partiality ſet aſide, would, they doubted not, be acceptable to all that fear God, and tender the Preſervation of the King's Perſon, and the proſperous State of the Realm: They moreover appointed all the Miniſters within the Kingdom to declare into their particular Congregation the Goodneſs of the Action, and to adviſe them to concur with theſe Lords.* But the Party themſelves knowing this could not ſecure them, they obliged the King to call a Convention of the Eſtates to ſit at *Edinburgh* on the 13th of *October* 1582 aforeſaid. This Meeting did declare, *That the Lords, who ſeized the King on the 22d of* Auguſt *preceeding, had done good and neceſſary Service to the King and Country; and that their taking of Arms, making of Conventions, fighting and taking of Priſoners, contracting of Leagues and Bonds, without His Highneſs's Warrant, ſhould be reputed good Service to the King and State, and all Subjects prohibited to ſpeak in the contrary.*

THINGS ſtood thus, as to the Power of the Lords, and the King's Reſtraint, till the Summer 1583 (*b*), that His Majeſty, upon the Pretence of

(*a*) Sir James Melvil's Memoirs. (*b*) Mr. Calderwood's Church Hiſtory from the voluminous Manuſcript Copy in the Library of the Univerſity of Glaſgow.

of visiting his Great-uncle, the old Earl of *March* in the Abbay of St. *Andrews*, found Means to free himself of his *Ruthven* Attendants. He had some Time before secretly advertised several of the Nobility, who were not of the *Ruthven* Faction, to meet him there, and going to view the Castle one Day when the Lords were got in that were upon the Design, the Gates were immediately shut, none of the Lords of the *Ruthven* Party being allowed to enter but the Earl of *Gourie* only, who was brought in by Colonel *Stewart*'s Means the Captain of the Guard. How soon the Earl of *Gourie* came into his Majesty's Presence, he fell upon his Knees, and begged his Majesty's Pardon for the Affair of *Ruthven*, with Expressions of wonderful Submission and Remorse (*a*). The King, of his innate Clemency, after he reprehended him very gravely, and taxed him of Ingratitude toward the Duke of *Lennox*, restored him to his wonted Favour, *upon Condition*, says my learned Author, *of a more loyal Behaviour in Time coming* (*b*); yea, such was his Majesty's great Goodness to the Earl of *Gourie*, that, to let him see he entertained no Manner of Resentment for his *Ruthven* Usage, he named his Lordship one of the new Privy Council, and kept him still about him.

THE King, to show he was now at Liberty, went securely to *Edinburgh*, and from thence to *Falkland*, and then to *Perth*, where, with the Advice of his Privy Council, he emitted a Proclamation, containing briefly, 'That howsoever, for preserving of publick Quietness, he did 'patiently endure the Restraint of 'his Person at *Ruthven*, with the 'secluding of his Counsellours, and 'all that ensued thereupon; yet he 'took it deeply to Heart, and did 'account no otherwise of it, than a 'Fact most treasonable, attending 'till it should please GOD to restore him to his former Estate and 'Liberty, which having now by 'his Goodness obtained, to make 'known his indifferent Disposition 'toward all his good Subjects, and 'that he did not seek the Harm and 'Ruin of any one whatsomever. *And proceeding, he says,* 'He resolved to forgive and forget all Offences bygone, especially that which 'was committed in *August* last, 'meaning the Attempt at *Ruthven*, 'and hath been since that Time 'strongly maintained, providing the 'Actors and Assisters do shew themselves penitent for the same, ask 'Pardon in due Time, and do not 'provoke him by their unlawful 'Actions hereafter to remember that 'Attempt; willing all his Subjects, 'by the Example of this his Clemency, to discharge all Quarrels 'among themselves, and not to carry 'Malice to one another for whatsoever Cause bygone; all which he 'will have burried in Oblivion.' And of this he ordains Publication to be made in all the principal Burroughs of this Kingdom. But altho' the King had pardoned the Earl of *Gourie*, for seizing on his Person at his House, as hath been said, yet, 'tis certain, for all that, he still continued in his seditious Practices, and kept a secret Correspondence with the Lords of the *Ruthven* Party, who were every Day forming new Projects to get the King into their Power, and the Government once more into their Hands. The Earl, in the mean Time, that he might not be suspected of any Dealing that Way, begg'd and obtained his Majesty's Leave to go abroad, and live a While out of the Kingdom, till the Times should turn more peaceable. The King granted his Request, and to amuse the Court the more, and to carry on the Plot with the greater Secrecy, he came to *Dundee*, where he hired a Ship, and gave out that he was presently to embark for *France*; but still he lingered, waiting for the Return of the bani-

(*a*) Sir James Melvil's Memoirs. (*b*) Spotiswood's Church History, p. 326.

banished Lords, who, in the Interim, had seized the Town and Castle of *Stirling*, intending there to fortifie themselves till their Friends should be able to come to their Assistance, and to join in the common Cause, *for reforming of Abuses, the securing of Religion, and the Preservation of the King's Person and Estate, as they pretended* (*a*). The King, some Days before, getting Intelligence where the Earl of *Gourie* was, and having evident Information of his treasonable Practices, sent Colonel *Stewart* the Captain of the Guard to apprehend him, which he did, after a short Resistance, and the next Day brought him Prisoner to *Edinburgh*, where he was committed to the Castle. Upon that, a Committee of the Council were sent to examine him; they put him in Hopes of Favour if he would discover the Conspiracy, and what the Rebels, as my Author calls them, intended to do. The Earl, upon Promise that what he discovered should not militate against himself, signed the following Confession.

'PERCEIVING, says he, His 'Majesty's Favour altered toward 'me by Misreport of my Unfriends, 'and my Life and my Living aim'd 'at, I was of Necessity forced to 'seek my Relief, by concurring with 'others of the Nobility, who labour'ed to secure themselves and their 'Estates: And hearing there was 'some trafficking betwixt the Noble'men in *Ireland*, and others at home, 'I used all Means, tho' I was sus'pected by them, to know what 'their Courses and Hopes were. 'After some Diligence I made that 'Way, I met with Mr. *James Er*'*skine*, who travelled to and fro be'twixt them, and he at first obscu'red himself from me, and would 'not be plain till I promised my 'Assistance. Then he shewed me 'he had been with the Earl of *Ar*'*ran*, whom he found cold, and in 'some Hope to make Address for 'himself, and so less careful for their 'Relief who were absent; yet he 'believed, if the Noblemen saw any 'good Concurrence of others, he 'would give his Assistance, but re'fused to deal in these Matters till 'they should return, and Things 'be determined with a common 'Consent. This I thought like'wise fittest; but in the mean Time 'I prepared to depart, and would 'have been gone if contrary Winds 'had not stayed me. The same 'Gentleman came afterward to me, 'and shewed that they were return'ed, and would shortly be seen at '*Stirling*. This moved me to re'main; albeit doubting of a suffi'cient Concurrence of Noblemen, 'I was not resolved what Course to 'take, and lay in a careless Securi'ty at *Dundee*, more inclined to go 'than to stay. I protest al'ways before GOD, that I never 'heard, nor was in Counsel of any 'Plot against His Majesty's Person, 'Crown or Estate, but only studi'ed to keep my self from Ruin by 'the Assistance of others. At our 'Meeting together, unto which 'Time all was deferred, it was 'thought that a Course should be 'taken by common Advice for se'curing our selves in His Majesty's 'Favour. And whereas I am asked 'what Noblemen were privy to the 'Enterprise, and what was looked 'for from *England*, I will truly declare 'all, upon the firm Assurance of his 'Majesty's Clemency. At Home, it 'was expected, that all those who 'subscribed the Bond in that first 'Abjuration would join themselves 'with us, and besides those, divers 'others, namely, the Earls of *Mar*'*shal* and *Bothwel*, with the Lords 'Lindsay, and some of the Western 'Part. So it was affirmed to me, 'but how truly I cannot say. From 'England we expected a Supply, 'but no certain Time was appoint'ed, and it was said, that the Queen 'minded to intercede for the Restitution

(*a*) Archbishop Spotiswood's Ecclesiastical History, p. 500.

'tution of the *Hamiltons*, if ſhe 'found the King tractable. This is 'all I know, and if there be any 'other Particular tending to His 'Majeſty's Well or Hurt, which I 'do not at the preſent remember, I 'ſhall plainly reveal the ſame who-'ſoever be offended therewith.

FROM *Edinburgh* the Earl was carried under a ſtrong Guard to *Kineil*, where he was kept ſome Days, and from thence to *Stirling*, when he wrote a Letter to his Majeſty (*a*) by Way of Petition, which I ſhall here inſert.

Pleaſe your Majeſty,

It is neither Diffidence nor Deſpair in your Highneſs Favour and Clemency towards me, nor any Deſire I have to live in this World, that moves me to require ſome ſhort Audience of your Majeſty: But there is a Purpoſe of ſo weighty Importance, which I deſire to impart into Your Highneſs, which might have endangered the Life and Eſtate of your Mother, and your ſelf, if I had not impeded the ſame; the revealing thereof may avail your Majeſty more than the Lives and Livings of 500 ſuch as my ſelf. Moſt humbly therefore I beſeech your Highneſs that my Petition may be granted. I aſſure my ſelf of your Majeſty's gracious Anſwer. Then he adds in a Poſtſcript. *The Matter I have to ſpeak is not the concealing of Treaſon, but the revealing of a Benefite.*

BUT the King being a Minor, and puſhed on more violently by the Faction at Court, who were the Earl's Enemies, than by any Inclination of his own, the Petition was not only refuſed, but was made a new Point in the Charge againſt him at his Indictment; ſo he was brought to his Trial before the Court of Juſticiary, on the 4th of *May* 1584. The Libel was reduced to theſe four Heads.

Firſt, 'THAT in the Beginning 'of *February*, Mr. *David Hume*, Ser-'vant to the Earl of *Mar*, came to 'him privately in the Town of '*Perth*, under Silence of Night, and 'communicated to him the treaſon-'able Device of ſurpriſing the Burghs 'of *Perth* and *Stirling*, at leaſt of 'one or other of them, and that he 'agreed to the taking and fortifying 'of the ſaid Town; whereby he 'had incurred the Crime of Treaſon, 'as well in concealing as conſenting 'to that wicked Purpoſe.

Secondly, 'THAT underſtanding 'Mr. *James Erskine* to be a Traf-'ficker betwixt *Mar*, *Angus*, and 'others, he did delay the Way, to 'the End he might ſpeak with him, 'and after Meeting, kept Conference 'with him, touching the Surprize of 'the Caſtle of *Stirling*, and the fur-'niſhing thereof with Men and Am-'munition.

Thirdly, 'THAT being charged 'in *Dundee* by his Majeſty's Letters 'to the Lord *Pittenweme*, the Cap-'tain of his Highneſs's Guard, he 'did enter into the Houſe of *William* '*Drummond* Burgeſs of *Dundee*, and 'with his Complices defended the 'ſame by the Space of ſix Hours, 'making Exclamation to the People, 'that he was purſued for Religion, 'and deſiring them to aid and aſſiſt 'him.

Fourthly, 'THAT he being o-'bliged to maintain his Majeſty's 'Perſon, Life, Honour and Crown, 'and having Intelligence of a moſt 'weighty Purpoſe that concerned 'the Life and Eſtate of the King, 'and the Queen his Mother, he had 'treaſonably concealed the ſame, 'and did as yet keep up the Specia-'lities thereof, albeit he profeſſed he 'knew it ſo perfectly, that in his 'Letter written to the King, he 'ſaith, that it had not failed to have 'taken Effect, if he had not ſtayed 'and impeded the ſame.

AFTER the reading of the Indictment, he offered ſuch Defences as he thought might be of moſt Weight with the Court, but they were all over-ruled, ſo he was condemned by

(*a*) Archbiſhop Spotiſwood's Eccleſiaſtical Hiſtory, Page 331. The Letter bears Date at Stirling the laſt of April 1584.

a Jury, who, as a noble Lord obſerves (*a*), were all either his near Relations or Allies of his Houſe, *viz.* the Earls of *Argyle*, *Crawford*, *Montroſe*, *Glencairn*, *Eglinton*, *Arran*, *Mariſhal*, the Lords *Seaton*, *Somervel*, *Doun*, *Livingſton*, *Drummond*, *Ogilvy*, the Maſter of *Oliphant*, and the Laird of *Tillybardin*; upon that Sentence was pronounced againſt him, that he ſhould be taken that very Day to the Market-croſs of *Stirling*, have his Head cut off, and his Body diſmembred as a Traitor. This laſt Part was diſpenſed with, but the ſame Evening after eight a Clock at Night, being the 28th of *May* 1584, he ſuffered with great Compoſure of Mind, as a Man that was not afraid to die (*b*). His Fate, as a very judicious Author, who lived at the Time, tells us, *Was much regreted by all who heard his graeve Harange upon the Scaffold, and did ſee his conſtant End*, in which *he ſhewed himſelf a devote Chriſtian and a reſolute Roman* (*c*). The Courage and Reſignation which this great Man ſhewed at his Death, is further confirmed by the learned Archbiſhop *Spotiſwood*; for ſpeaking of the Earl of *Gowry*'s Death, he ſays, *This was the End of that Nobleman, who in his Life was much honoured and employed in the chief Offices at Court; a Man wiſe, but ſaid to have been too curious, and to have conſulted with Wizards, touching the State of Things in future Times, yet was he not charged with this, nor ſeemed to be touched therewith at his Death, which to the Judgment of the Beholders was very peaceable and quiet.* The Archbiſhop further obſerves, *That the Earl of* Gowry *was heard to make that common Regrete, which many great Men have done in ſuch Misfortunes; that if he had ſerved God as faithfully as he had done the King, he had not come to that End: But otherwiſe he died patiently with a Contempt of the World, and Aſſurance of Mercy at the Hand of God* (*d*). But tho' the Court-Faction were very high in their Reſentments againſt the Earl of *Gowry* and his Family for a while (*e*); yet the King, who was to a great Degree merciful in his own Nature, interpoſed himſelf, and did very ſoon thereafter of his Grace and Bounty reſtore his Son to his Eſtate and Honour, and conferred ſeveral other ſpecial Marks of Favour and Confidence on his other Children, but nothing leſs it ſeems could allay the Revenge of the two eldeſt Sons for their Father's Blood than the precious Life of their ſacred Sovereign, which they attempted by a moſt horrid Conſpiracy to have taken away at the Earl's own Houſe in the Town of *Perth*, the 5th of *Auguſt* 1600 (*f*). But Almighty God, *who giveth Salvation to Kings*, by his merciful Providence defeat the whole Contrivance, at the very Inſtant when it was to be execute; ſo both the Brothers viſibly fell into the Pit they had digged for the Lord's anointed themſelves, and brought, not only ſudden Deſtruction upon their own Heads, but were the unhappy Inſtruments of the Overthrow of their Family, which had upon many Occaſions diſplayed very ſignally both their Fidelity to the Crown, and their Love and Affection to their Country, and that to as eminent a Degree as moſt of the noble Families in the Kingdom have done. A noble Lord, and a very great Antiquary, the Earl of *Cromarty*, in his *Hiſtorical Account of the Conſpiracies by the Earls of* Gowry *againſt King* James, hath laid all together that can be ſaid in that Matter, and to which nothing can be added; ſo that in the Light it now ſtands, I hope there are few or none in this Nation ſo maliciouſly ſet againſt the Royal Family, or the great King who was more immediately concerned in it, to ſuſpect, far leſs to doubt of the Truth and Reality of the Earl of *Gowry*'s Conſpiracy.

(*a*) I mean the Earl of Cromarty in his Hiſtorical Account of the Earls of Gowries Conſpiracy, publiſhed in the 1713. (*b*) Sir James Balfour's Annals, M.S. (*c*) Sir James Melvil in his Memoirs. (*d*) In his Eccleſiaſtical Hiſtory, Page 332, 333. (*e*) Sir James Balfour in his Annals. (*f*) The Hiſtorical Account of the Conſpiracies of the Earls of Gowry by the Earl of Cromarty.

racy. I ſhall carry this Point no further; but, as I uſually do, conclude what I have further to ſay concerning the Earl of *Gowrie* the Lord Treaſurer, with mentioning his Lady and the numerous Iſſue of both Sexes he left behind him. The Lady *Gowrie*, Dame *Dorothea Steuart*, was the Daughter of *Henry* Lord *Methven*, by his ſecond Wife the Earl of *Athole*'s Daughter (*a*). By her he had *James* his eldeſt Son, who was reſtored to be Earl of *Gowrie*, but died before he was of Age; *John* who was his Succeſſor in the Honour, and the laſt of his Race; *Alexander*, who ſeems to have been the only Perſon privy to his Brother's Conſpiracy, and was involved with him in his treaſonable Deſign of cutting off the King at *Perth*; the fourth Son was *William*, who at the Time of the Conſpiracy was a Child, who, when he grew up, and found he could not carry the Name of *Ruthven*, which by an Act of Parliament none might carry, he went and lived beyond Sea, became a great Chymiſt, and it was given out that he had the Philoſopher's Stone (*b*); the fifth and youngeſt Son *Patrick Ruthven* was a Doctor of Phyſick; he was for a long Time kept a Priſoner in the Tower of *London*, but obtained his Liberty ſome Years before the Death of King *James* (*c*). This Gentleman Dr. *Ruthven* left a Daughter, who was married to Sir *Anthony VanDyke* the famous Picture-Drawer. Beſides theſe Sons, the Earl of *Gowrie* had alſo ſeven Daughters.

Margaret the eldeſt was married to *John* Earl of *Montroſe*: She was Mother to the great and heroick Marquis of *Montroſe*.

Mary the ſecond, firſt to *John* the Fifth of his Line of the Earls of *Athole*, and again to *John* Lord *Innermeath*, who was raiſed to be Earl of *Athole* after her firſt Husband's Death.

Sophia the third to *Lodovick* Duke of *Lennox* and *Richmond*; but had no Iſſue.

Jean the fourth to *James* Lord *Ogilvie*: She was Mother to the firſt Earl of *Airly*.

Beatrix the fifth was the ſecond Wife of Sir *John Home* of *Coldingknows* (*d*); and had Iſſue.

Iſabel the ſixth to Sir *Robert Gordon* of *Lochinvar*: She was Mother to *John* the firſt Viſcount of *Kenmure*; and being ſeparated from him, ſhe married again *Hugh* the firſt Lord *Loudon*.

Barbara the ſeventh to *John Wemyſs* of *Pittencreif*.

UPON the Fall of the Earl of *Gowrie*, the Earl of *Montroſe* was preferred to the Treaſurer's Place, which a new Revolution, in a Year after, deprived him of: However, after that he recovered ſo much Grace and Favour, that he was made Lord Chancellor; ſo, as a Lord Chancellor, I have written his Life as fully as I could in the former Part of this Work. His Succeſſor in the Treaſurer's Place was

Sir *Thomas Lyon* of *Albar*, Maſter of *Glammis*.

THIS Gentleman was the ſecond Son of *John* Lord *Glammis*, by *Janet* his Wife, Daughter of *William* Earl *Mariſchal* (*e*); he came to be Tutor to his Nephew, the young Lord *Glammis*, upon the Death of his Father, who had been Lord Chancellor in the Year 1578, and upon that Account was ſtiled Maſter of *Glammis*; for at that Time it was uſual to give the preſumptive Heir of a Nobleman the Title of Maſter, tho' he was not the apparent Heir of the Family.

THE Maſter of *Glammis*, being a bold daring Man, was among the moſt forward of all the Party, who detained the King at *Ruthven*-Houſe in the 1582, as we formerly obſerved in the Life of the Earl of *Gowrie*. Our great Eccleſiaſtical Hiſtorian (*f*) tells us, "That the King, at the firſt coming of "the Lords, meaning to *Ruthven*, ſuſpected

(*a*) Charta in publicis Archivis. (*b*) Biſhop Burnet's Hiſtory of his own Times, and the Lives of the eminent Painters. (*c*) Mr. David Calderwood's Manuſcript Hiſtory of the Church of Scotland in ſix Vol. in Folio, in the Library of the Univerſity of Glaſgow, ad Annum 1622. (*d*) Charta in publicis Archivis. (*e*) Ibidem. (*f*) Archbiſhop Spotiſwood.

"ſpected there was ſome Practice in "Hand, yet diſſembled the Matter, "thinking to free himſelf the next "Day when he went abroad to his "Sport: But as he was about to "go, the Maſter of *Glammis* ſtept "to the Door of the Parlour, and "told him he muſt ſtay. The King "asked the Reaſon; he anſwered, "He ſhould know it ſhortly: When "he ſaw it to be ſo, and found his "Liberty reſtrained, he grew into "a Paſſion; and after threatning "Speeches bruſt forth into Tears." The Maſter ſeeing him weep, without any Ceremony, was ſo unmannerly as to tell him, *It was no Matter for his Teats, better that Bairns ſhould weep than Bearded-men*, which the ſame learned Hiſtorian adds, *entred ſo deeply into the King's Heart, as he did never forgive.* He concurred with the Party in all the Steps they made in carrying the King from *Ruthven* to *Perth*, from thence to *Stirling*, from *Stirling* to *Holy-rood-houſe*, from thence to *Perth* again, from *Perth* to *Falkland*, and at laſt to St. *Andrews*, that he happily made his Eſcape from them in *June* 1583. But tho' the Faction was now broke, and their Meaſures diſconcerted, yet the King did not proceed againſt the Maſter of *Glammis*, who was thought the moſt obnoxious of all the Party, with that Reſentment he might have done, but in a very gentle Way ordered him to enter himſelf a Priſoner in the Caſtle of *Dunbartown*, till His Majeſty's Pleaſure ſhould be further known. But the Commitment being left to himſelf, he took a contrary Road, and fled to *England*. For this Diſobedience the Maſter and a Number of other Lords and great Men of that Faction were proclaimed Traitors, and forfeited by an Act of the Convention of Eſtates (*a*) that was held at *Edinburgh* the 2d of *March* 1584.

In the mean Time the King ſent Sir *Lewis Ballenden* the Juſtice-Clerk to the *Engliſh* Court to demand the Refugee Lords as Rebels; but they were ſheltered by Sir *Francis Walſingham* the *Engliſh* Secretary, and had ſome Favour ſhown them from Queen *Elizabeth* herſelf, to balance the contrary Faction; ſo, in a ſhort Time, they and other Malecontent Lords rallied their Intereſt, and ventured to return to their own Country in the Beginning of the Year 1585. At their firſt Appearance they raiſed Forces, ſat down before *Stirling* where the Court remained, and with very little Reſiſtance took it. The peaceable King, of his great Clemency, and to prevent a civil War, not only pardoned them, but brought them into the chief Poſts in the Government; particularly, the Maſter of *Glammis* was made Captain of the Guard in Place of the diſcarded Earl of *Arran*, and Lord High Treaſurer in the Room of the Earl of *Montroſe* (*b*). For what I ſee, the Maſter of *Glammis* ever after this enjoyed a good Degree of Favour outwardly with His Majeſty, and had the Honour of Knighthood conferred on him at the Solemnity of the Coronation of Queen *Anne*, the Royal Conſort of King *James*, the 17th of *May* 1590 (*c*). He continued Treaſurer for the Space of ten Years, till the 1595, that the King having put the Management of his Affairs upon a new Footing, in the Hands of eight Commiſſioners, who from their Number were called the *Octavians*, he was turned out of his Office, to which the Prior of *Blantyre* was promoted. Sir *Thomas Lyon* lived till ſome Time after the King's going to *England*; but the preciſe Year I cannot tell. I have been informed by a Gentleman of great Integrity, that when the Account of his Death was carried to the King, he laid upon that, *That the boldeſt and hardieſt Man of his Dominions was dead.* The Maſter of *Glammis* was twice married, firſt to the Lady *Hume*, who was a Daughter of the Lord *Gray*'s (*d*), and after that to a

(*a*) Balfour's Annals. (*b*) Charta penes Comitem de Mortoun. (*c*) Rymer's Fœdera. (*d*) Chart. in publicis Archivis.

a Daughter of the Laird of *Lochleven's*, who came to be Earl of *Morton*; and left a Son *James Lyon* of *Albar*, who was married to a Daughter of Archbiſhop *Gladſtanes*, but died without Iſſue; ſo his Eſtate fell back to his Nephew the Earl of *Kinghorn*, and a Daughter *Mary*, who was married to *Robert Semple* of *Beltrees*.

Walter Lord *Blantyre*.

Stewart of *Minto*, the Family of which the Lord *Blantyre* was a younger Brother, was a Branch of the Houſe of *Garlies*, in the Reign of King *James* III. (*a*). I can add nothing further to illuſtrate the Genealogy of the Lord Treaſurer, than what is fully ſet forth in the Peerage of *Scotland* (*b*), which the Reader may conſult if he pleaſes. He was the Son of Sir *John Stewart* of *Minto*, by *Margaret* his ſecond Wife, Daughter, and one of the Coheirs of Captain *James Stewart* of *Cardonald*. He was born about the Year 1568, and being much about an Age with King *James* VI. was bred with him from his Youth, and ſo had his Education under the famous Mr. *Buchanan*. I am not ſure as to the preciſe Time he got the Priory of *Blantyre*, but it was before the 1580; for then I find Mr. *Stewart* ſo deſigned, when he is named one of the Gentlemen of the Bed-chamber, at the Time that the Duke of *Lennox* was made Great Chamberlain of *Scotland*. The Prior being a Man of excellent Parts, and in a good Degree of Truſt and Confidence with the King his Maſter, he was ſoon after this brought into the Miniſtry, and conſtituted Lord Privy-Seal, the Office being void by the Death of Mr. *Thomas Buchanan* of *Ibert*, the Warrant for the paſſing of his Gift bears Date the 14th of *November* 1582 (*c*), and growing daily more and more in Favour, he was made one of the Senators of the College of Juſtice, and got the Parſonage of *Glaſgow*, which was then in the Gift of the Crown.

THE Lord Privy-Seal having now a very well eſtabliſhed Reputation for Integrity, his Majeſty was pleaſed to commit to his Care the feuing out of the Lands within the Regality of *Glaſgow*, and he performed the Service to very good Purpoſe: He continued the old Tenants in their Poſſeſſions, and got the former Rental converted into a Feu-duty. In the Charters he gave the Vaſſals I obſerve he deſigns himſelf *Walterus commendatarius de Blantyre, feudo firmarius Baroniæ & Domini de Glaſgow* (*d*). The Merit of this and his other Services endeared him exceedingly to the King his Maſter, who looking on him as a wiſe and able Servant, and worthy of any Truſt he ſhould repoſe in him, and therefore was pleaſed in the 1595 to make him one of the eight Commiſſioners of the Exchequer, who from their Number were called *Octavians*. To theſe eight, or any five of them, His Majeſty committed 'the full and free Adminiſtration of the whole Rents and 'Duties pertaining to the Offices of 'Comptrollery and Collectory, reſigned and committed by them in 'his Majeſty's Hands, with Power 'to deprive and diſcharge all inferior Chamberlains, Under-collectors, 'Cuſtomers, Secretaries, Intromet-'ters whatſoever with any of 'the ſaid Rents, all inferior 'Clerks of the ſaid Offices, and to 'appoint new Clerks, Receivers and 'Intrometters with the ſame (excepting only the Office of Clerk of 'Regiſter his Fees, Privileges and 'other Commodities belonging to 'him, or any of his Predeceſſors;) 'to hear and exact Account of Stewards, Sheriffs, Bailiffs, Provoſts of 'Burghs, Cuſtoms, Clerks of Coc-'quet, Searchers, Chamberlains, Re-'ceivers, Factors, and Intrometters

(*a*) Charta in Rotulis Jacobi tertii. (*b*) Page 36, Article Blantyre. (*c*) Regiſters of the Privy Seal. (*d*) Charta in pub. Archivis, ad Annum 1588.

'with the Farms, Eſtates, Profits 'and Duties, Kains, Cuſtoms, Fiſh-'ings, Coal-pits, Parks, Steadings, 'Orchards, and other Rents of the 'Property annexed of old and of 'new, or unannexed, and belonging 'any Way to the Patrimony of the 'Crown; as alſo, to hear the un-'made Accounts of the Treaſurer 'and his Deputies, the General 'Warden of the Coin, and Tackſ-'men, and Labourers of the Mines 'and Mettals, the Collectors of the 'Taxation, the Maſters of the Ward-'robe, Jewels and Moveables, the 'Maſter of the Work, the Muniti-'on and Pleniſhing of Caſtles, the 'Monks Portions, the Payment of 'the Guard and Men of War, the 'Rents of Colleges, Hoſpitals, 'Schools and Students, the common 'Good of Burghs, the Dowry of 'whole Monies appertaining to the 'King, as well within the Realm, 'as coming from other Parts, and 'to allow or refuſe Allowance there-'of as they ſhall find meet, with 'Power likewiſe to appoint and ſet 'Penalties for Offences, to make and 'ſet down the Prices of Wines, 'Victuals and Corns yearly, to put 'an Order to his Majeſty's Houſe, 'Eſquery and Stable, and make 'Proviſions therefore, to repair the 'decayed Cuſtoms, appoint the Or-'der of uplifting the ſame, and to 'roup and ſet them to the beſt 'Profit, to conſider the State of the 'preſent Coin, and therein direct 'what they ſhall think requiſite, to 'aſſiſt the Treaſurer, in the com-'poſing of Signatures, and that 'without their Advice nothing ſhall 'paſs, to examine the Diligence of 'Sheriffs and other inferior Judges, 'with their Officers Negligence, 'to correct and puniſh the Faults 'of Officers of Arms, to compone, 'tranſact or uplift the Eſcheats of 'Perſons denounced to the Horn, 'and generally to do and perform 'all Things proper to the Exche-'quer; they enjoying ſuch Places 'in Council and Parliament as the 'Officers thereof had in former 'Times, with all the Power, Privi-'leges, Honours, and Immunities 'that belonged thereto, either by 'Acts of Parliament or Confue-'tude of the Realm.' The King doth further promiſe *in verbo principis*, 'Not to join any more to the 'preſent Commiſſion at any Time 'hereafter; and in Caſe a Place fall 'void by Deceaſe of any of the pre-'ſent Commiſſioners, to receive 'and admit none but by Advice 'and Conſent of thoſe that remain-'ed alive; as alſo, not to ſign any 'Letter or Signature concerning the 'Diſpoſition of any of the Rents of 'Property, Collectory or new Aug-'mentations, Confirmatives or Ra-'tifications of any former Gifts, 'Diſpoſitions, Penſions or Infeft-'ments, or Licences for tranſport-'ing of forbidden Goods, unleſs the 'ſame were firſt heard, allowed and 'ſubſcribed by the ſaid Lords, or 'any five of them ſitting in Council, 'by Way of Action, Reception or 'Reply, notwithſtanding the Seals 'were appended thereto; the Keep-'ers whereof being diſcharged to 'append any Signet or Seal, except 'the Letters of Signatures were ſub-'ſcribed in Manner above rehearſ-'ed, under Pain of looſing their 'Offices. Moreover, it was declar-ed, 'That the ſaid Lords ſhall have 'Power to direct Letters of Horn-'ing, Poinding and Caption upon 'their own Acts and Decreets, and 'that no Suſpenſion, or any Charge 'for ingathering any Part of the Pa-'trimony ſhould paſs, except in Sel-'ſion or Exchequer, three of the 'Lords ſubſcribing the ſame.

THE Lords again made Faith, 'That next unto GOD and a good 'Conſcience, they ſhould in all 'Things reſpect His Majeſty's Well, 'Honour, and Advancement of his 'Revenue, and neither for Tender-'neſs of Blood, Commodity to them-'ſelves, Awe or Fear of any Perſon, 'conſent to the Diſpoſition of any 'Part of the Patrimony, whereby 'his Majeſty's Profit might be di-'miniſhed; and that they ſhould 'not give their Conſents ſeverally,

'but

"but being assembled, at least five "of them in Exchequer, under Pro- "testation, that the accepting the "said Commission shall not be a "Reason of declining them in Action "that concerned his Majesty, seeing "they neither did receive Fee, nor "were Intrometters with any Part "of the Rents, but only directed the "Receivers and Collectors of the "same.

THIS Commission, however just in it self, was not a little murmured at, not only by a strong Party in the Court, but by Men of all Ranks and Degrees; for the Strictness of their Proceedings, *and the drawing of all the Offices of State into their own Hands.* By Virtue of the Power committed to them, they behoved necessarily to enter upon the Examination of the Accounts of the Treasury; and finding both the Lord Treasurer, Sir *Thomas Lyon*, and the Treasurer Depute, Sir *Robert Melvil*, deeply indebted to the Crown, they were content to compound the Matter, and to resign their Offices, that they might the more easily obtain what my Author calls a *Quietus est*, that is, as I take it, a Discharge and Exoneration of their Intromissions with the Revenue, while they held their Places. The King himself, it seems, was pleased with what they had done, and having a full Confidence in the Abilities and Integrity of the Lord Privy-Seal, advanced him to be Lord High Treasurer, by Letters Patent under the Great Seal, bearing Date the 6th of *March* 1596 (*a*). The Preamble of his Patent, which shows the great Value and Esteem his Majesty had for his Lordship, here follows.

Jacobus Dei Gratia Rex Scotorum, omnibus probis hominibus ad quos presentes littere pervenerint, salutem. Scitis, nos perpendentes & animo revolventes bonum, fidele & gratuitum servitium nobis impensum, plurimis his annis elapsis, per fidelem & prædilectum consiliarium nostrum Walterum commendatarium de Blantyre, habitoque ejusdem servitii longo experimento, singularisque dicti nostri consilarii prudentie experientie, honestique voluntatis & propensi animum in omnibus nostris negotiis erga nos, rem publicam, & politiam Regni nostri; considerantesque dictum consiliarium nostrum judicio & longo rerum experimentia ac usu, aptissimum & maxime idoneum, qui nobis nostrisque subditis serviat & administret in munere & officio Thesurarii; sitque nobis questor, & Thesurarius dicto munere & officio, jam in manibus nostris, & ad nostram provisionem & dispositionem vacan. per dimissionem Domini Thome Lyon de Alber militis, ultimi & novissimi nostri Thesurarii, & questoris casualitatumque nostrarum feciss, constituiss & ordinasse, pront tenore presentium facere, constituere & ordinare dictum consiliarium nostrum Walterum commendatarium de Blantyre nostrum, nostramque casualitatum Thesaurarium & questorem duran. sua vita pro omnibus sua vita diebus, &c. In cujus rei Testimonium presentibus magnum sigillum nostrum apponi precipimus, &c.

AT this Time the Lord Treasurer resigned the Privy-Seal to Mr. *John Lindsay* of *Balcarass*, who soon thereafter exchanged it for the Secretary's Place with Sir *Richard Cockburn* of *Clerkingtoun*. The Lord Treasurer now finding he could not so well execute both the Affairs of the Treasury and of the Exchequer, with that Diligence and Industry was requisite, and withal to take off a Part of that Load of Envy the *Octavians* were under, he had a main Hand in getting that Court dissolved, and Matters to go in the old Channel. He continued Treasurer for near three Years, that, upon a Disgust, by his *partial Behaviour*, says a Reverend Author (*b*), *in an Action betwixt Mr.* Robert Bruce *and the Ministers of* Angus,

(*a*) Charta in publicis Archivis. (*b*) Archbishop Spotiswood.

he was not only turned out of his Office, but was sent Prisoner to the Castle of *Edinburgh*, whereupon the white Staff was given to the Earl of *Cassils*.

This Cloud blowing over, and the Prior being a wise Man, he quickly received his Majesty's Favour, though he was not restored to his Office, or to any Thing else that I see, but his Place in the Session which was for Life. In the 1604, he was named one of the Commissioners for the Treaty of Union with *England*, which was then set on Foot (*c*), and after that, by his Majesty's special Favour, was raised to be a Peer, by the Title of Lord *Blantyre*, *July* 10. 1606, and named one of the Lords of the most honourable Privy-Council.

He died in *March* 1617, and left Issue by *Nicolas* his Wife, Daughter of *John Somervel* of *Cambethan* (*b*), Sir *James Stewart* Master of *Blantyre*, who was slain in a Duel by Sir *George Wharton* the 8th of *November* 1609 (*c*), leaving no Issue; Sir *William Stewart* Knight of the *Bath* (*d*), who was his Father's Successor in the Honour; *Walter Stewart* Esq; the third Son. He was the Father of *Frances* Dutchess of *Lenox* and *Richmond*, and of *Sophia* Lady *Bulkly*. The Lord Treasurer had also a Daughter *Margaret*, who was married to *George* Lord *Abernethy* of *Salton*.

Gilbert Earl of *Cassils*.

This noble Earl was the Son and Heir of *Gilbert* Earl of *Cassils*, by the Lady *Margaret Lyon* his Wife, Daughter of *John* Lord *Glamis*. Being left young at his Father's Death, his Uncle Sir *Thomas Kennedy* of *Colzean* was his Guardian, who took Care of his Education, as well as of his Estate, and bred him in the usual Way of the young Nobility of that Time. About the Time he was of Age, he married the Lady Dowager of *Thirlestane*, a Daughter of the Lord *Fleeming*'s, a great Fortune in the Account of that Time. I have seen it observed, there was a great Disparity in their Years, *he a young Nobleman never matched to any*, and the Lady *a Woman past Childbearing*; but my Author says, *the Desire the Earl had to keep his Estate entire made him take that Course, against the Consent of all his Friends who could not away with the Imparity of their Age* (*e*). The Lady, who had lived long at the Court, being desirous to remain there, and have her Husband in the Ministry, offered to advance a good Sum of Money if he might be made Treasurer. The Offer was readily accepted, and he promoted to the Office upon the Removal of the Lord *Blantyre*; *yet it was not long*, as a great Historian (*f*) informs us, *before they did both forethink the Bargain, being pressed with a Multitude of Precepts for the laying forth of Money, and so were glad to quite the Office, with the Loss, as was said, of Fourty Thousand Merks which he did advance at his Entry*. The Earl continued but a short While Treasurer; so the Office was bestowed upon the Master of *Elphingstoun* in the 1599 (*g*). He died in the Month of *October* in the Year 1615 (*h*), and was succeeded by his Nephew *John* the grave and solemn Earl of *Cassils*.

Alexander Lord *Elphingstoun*.

The Lord Treasurer, then Master of *Elphingstoun*, was the Son of *Robert* Lord *Elphingstoun* by *Elizabeth* his Wife, Daughter of Sir *John Drummond* of *Innerpeffer*. Being a young Nobleman of more than ordinary Parts and Learning, but chiefly in the Laws, he was made one of the Senators of the College of Justice, and after that preferred to the Treasurer's Place, upon

(*a*) Acts of Parliament. (*b*) Genealogical Pedigree of the Family of Somervile, penes me, M. S. (*c*) Sir William Dugdale's Baronage of England, Vol. 2. pag. 390. (*d*) Balfour's Annals, and Anstis's History of the Bath. (*e*) Archbishop Spotiswood's History, p. 456. (*f*) Ibidem, p. 456. (*g*) Charta in pub. Archivis. (*h*) Ibidem, ad Annum 1615.

upon the Recommendation of his Brother the Lord *Balmerino* the Secretary, *June* 24th 1599, the Office being void by the Resignation of the Earl of *Cassils*. But the Master continued not long in the Place; for in little more than a Year thereafter, upon a Disgust, *as was thought*, says my Author, *for adjoining some others with him in the composing of Signatures*, he resigned the Treasurer's Place, to which Sir *George Hume* of *Spot* was preferred. He succeeded his Father, and became the Head of the Family in the 1602 (*a*). After the King went to *England*, his Lordship being then Lord *Elphingstoun*, was by the Parliament named one of the Commissioners to treat with the *English* about a more entire Union of the two Kingdoms, which was then set on Foot *anno* 1604 (*b*). He lived to a great Age, and died in *July* 1648 (*c*). He left Issue by *Jean* his Wife, Daughter of *William* Lord *Livingston*, *Alexander* his Son and Heir, *James Elphingstoun* of *Barns*, *John Elphingstoun* of *Wartle*, *Michael*, of whom the Branch of the *Elphingstouns* of *Quarel*. He had also five Daughters,

Anne, the eldest, who was married to *John* Earl of *Sutherland*,

Jean, the second, to *Arthur* Lord *Forbes*,

Elizabeth, the third, to Sir *John Bruce* of *Airth*, and had Issue;

Christian, the fourth, to Sir *Thomas Urquhart* of *Cromarty*, and had Issue;

Helen, the fifth, to Sir *William Cockburn* of *Langtoun* Baronet, and again to Mr. *Henry Rollo* of *Woodside* Minister at *Edinburgh*, and had Issue.

George Earl of *Dunbar*

Was the second Son of *Alexander Hume* of *Manderstoun*, by *Jean* his Wife, Daughter of *George Hume* of *Spot* (*d*). Being a young Gentleman of Breeding and Parts, he was early brought to Court under the Favour of the Lord *Hume* his Chief, where his genteel and winning Deportment soon brought him into Favour with his Majesty. He was first made a Gentleman of the Bed-chamber, then Master of the Wardrobe (*e*); and being made a Knight, he mounted higher, and was made Lord High Treasurer, upon the Surrender of the Office by the Master of *Elphingstoun* the 5th of *September* 1601.

The Lord Treasurer attended the King into *England*, at his first Entrance into that Kingdom (*f*), and being a Man of rare Parts and Abilities, he was taken into a great Degree of Favour and Confidence, and had upon the Matter not only the sole Disposal of the Affairs of *Scotland*, but had also a considerable Influence in the Management of *England*; and as an Instance of this, a noble Historian (*g*) tells us, *That it was upon the Recommendation of the King's* Scots *Favourite the Earl of* Dunbar, *that Dr.* Abbot *was preferred to the Archbishoprick of* Canterbury. Be this as it will, 'tis certain he was among the first Rank of the Favourites at that Time, and had the Reputation of a much wiser Man than any other that succeeded in the same Degree of Favour throughout that whole Reign. He had been but a few Weeks in *England* before he was sworn of his Majesty's Privy-Council for that Kingdom; and being naturalized, he was soon thereafter raised to be a Baron of that Realm by the Title of Lord *Hume* of *Berwick*, on the 7th of *July* 1604 (*h*), and the next ensuing Year, he was further honoured with the Title of Earl of *Dunbar* in his own Country, by Letters Patent the 3d of *July* 1605 (*i*). But tho' the Earl of *Dunbar* resided now much in *England*, and was Chancellor of the Exchequer there (*k*), yet his Majesty, from a

(*a*) Charta in Cancellaria, S. D. N. R. (*b*) Acts of Parliament, and Archbishop Spotiswood's Church History. (*c*) Charta in pub. Arch. ad annum 1682. (*d*) Mr. Hume's History of the Douglasses. (*e*) Sir James Melvil's Memoirs. (*f*) Bishop Spotiswood's Church History. (*g*) Earl of Clarendon. (*h*) Sir William Dugdale's Baronage of England, Vol. II. p. 419. (*i*) Charta in pub. Archivis. (*k*) Rymer's Fœdera Angliæ, and Mr. Ross's Panegyrick on King James and his chief Favourites.

Confidence he had in his Abilities to discharge any Trust he should repose in him, was pleased to continue his Lordship Treasurer of *Scotland*, which, in his Absence, *he discharged*, says a grave and learned Historian, *by his Deputy, Sir* John Arnot, *both to his Majesty and the Country's Content* (*a*). The Earl of *Dunbar* was the Person on whom the King depended most of any other in his Design of setting up of Episcopacy in *Scotland*; for having had a main Hand in getting the Temporalities of Bishopricks restored to the Church, by Act of Parliament in the 1606 (*b*), he was the same Year employed as his Majesty's Commissioner to the General Assembly at *Linlithgow*, a Meeting that was called chiefly to bring the Clergy to accept of *constant Moderators*, to pave the Way for a fuller Settlement of Episcopal Government, which no doubt was thereby intended. Altho' this Affair met with great Opposition, yet the Earl got it carried through, but not very fairly, if we may believe Sir *James Balfour*; for he tells us (*c*), *That the Earl of* Dunbar *at this Assembly distributed among the most needy and clamorous of the Ministry forty Thousand Merks in Money, to facilitate the Matter, and obtain their Suffrages. This Business*, he adds, *came to Light afterward by the Treasurer's Accounts, which were shown to King* Charles I. *at the Treaty at the* Berks *in the* 1639. I judge the Note of that private Distribution might have fallen into the Hands of the then Earl of *Hume*, who was the Earl of *Dunbar*'s Grandson, and one of his Heirs, and at the first a most violent Covenanter, tho' he came to rest satisfied with the King's Concessions after Episcopacy was abolished, and Presbytery set up in its Room.

THE Earl of *Dunbar* having successfully carried the Plan of the constant Moderators in one Assembly at *Linlithgow*, his Majesty was pleased to appoint him Commissioner to another at the same Place in the 1608, where there was little other Thing transacted that was material, but the laying down of proper Methods for suppressing the Growth of Popery, especially in the Northern Parts under the Influence of the Marquis of *Huntly*. Upon the Earl's Return to Court, upon the Back of this, his Majesty received him very graciously, and as a special Mark of his Royal Favour, and to testifie the Sense he had of the Earl's long and faithful Services, was graciously pleased to dignifie him with the most noble Order of the Garter. He was accordingly installed in the Royal Chappel of St. *George* at *Windsor*, the 20th of *May* 1609 (*d*). The King having it still in his View to raise Episcopacy higher in the Church, he thought the most proper, as well as the most natural Way, was to do it by a general Assembly; and having indicted one to sit at *Glasgow* in *June* 1610, he appointed the Treasurer, the Earl of *Dunbar*, to represent his Royal Person as his High Commissioner. The Earl opened the Meeting with a Speech setting forth that it was his Majesty's Intention to settle the Church in a commendable Condition of Discipline, and to establish the Ecclesiastical Government upon the Primitive Model; and the more to dispose them to a through Compliance, his Majesty's Letter was read, directed to *The Prelates, Noblemen, and others his loving Subjects, as well Ministry as Laity, presently met and conveened in this Assembly* (*e*). The Resolutions and Conclusions of this Assembly I have touched on before in the Life of Archbishop *Spotiswood*, in the first Part of this Work; so I shall repeat nothing I have said there; One Thing I shall observe, which Archbishop *Spotiswood* has also taken Notice

(*a*) Bishop Spotiswood, p. 468. (*b*) Ibidem, p. 495, and the Acts of Parliament. (*c*) In his Manuscript Annals, Vol. 1. in the Library of the University of Glasgow. (*d*) Sir William Dugdale's Baronage of England, Vol. 2. pag. 419. (*e*) Mr. Calderwood's History of the Church of Scotland.

tice of in his Hiſtory, That after all the Heads of the Diſcipline agreed on were drawn up and ratified by the Aſſembly, a Repreſentation was made to the Commiſſioners, *by the Moderators of Preſbyteries*, who had ſerved ſince the 1606, complaining, *That notwithſtanding of the Promiſe made at their accepting of the Charge, they had received no Payment at all of the Stipends allowed.* This the Earl excuſed, by Reaſon he had been much up at Court ſince that Time, and that nothing of that Matter had ever been moved to him; but in Concluſion told them, *That before the diſſolving of the Aſſembly he ſhould cauſe Satisfaction to be given to them for the Time paſt.* His Lordſhip indeed was as good as his Word, for he cauſed his Servants diſtribute immediately 5000 *L. Scotts* among thoſe Miniſters who had been the conſtant Moderators for the four Years paſt. This gave Occaſion, ſays the Archbiſhop, *to ſcruple at the diſcontented Sort to interpret it to be a Kind of Corruption*, giving out, *That this was done for attaining the Miniſters Voices*, tho' the Hiſtorian aſſures us, *the Debt was known to be juſt, and that no Motion was made of that Buſineſs before the Concluſions of the Aſſembly were enacted* (*a*). This perhaps may be the Foundation of Sir *James Balfour*'s Story; but I have ſet them down both, and ſhall leave them as I found them. After the breaking up of the Aſſembly, the Lord Treaſurer the Earl of *Dunbar* went up to Court about the Middle of *Auguſt*, where his Majeſty received him with many gracious Expreſſions of Regard and Eſteem. But he had not been long there, when he fell ill in his Health, and growing daily worſe and worſe, Death brought his Life to a Period, at his Lodgings in *Whitehall*, on the 29th of *January* 1611 (*b*). His Body being embalmed, and put into a Coffin of Lead, was ſent down to *Scotland*, and with great Solemnity interred in the collegiate Church of *Dunbar* (*c*), where his Executors erected a very noble and magnificent Monument of various coloured Marble, with a Statue of him as large as the Life, and this Inſcription on the Pedeſtal in great Capitals.

Here lies the Body of the Right Honourable George Hume, *Earl of* Dunbar, *Baron* Hume *of* Berwick, *Lord High Treaſurer of* Scotland, *Knight of the moſt noble Order of the Garter, and one of his Majeſty's moſt Honourable Privy-Council, who departed this Life the 29th of* January MDCXI.

By *Elizabeth* his Wife, Daughter of Sir *Robert Gordon* of *Gight* Knight, and of Dame *Elizabeth Beaton* Lady *Kelly* his Wife, one of the natural Daughters of Cardinal *David Beaton* Archbiſhop of St. *Andrews* (*d*), the Lord Treaſurer had two Daughters his Heirs; the Lady *Anne*, who was married to Sir *James Hume* of *Coldingknows*, Mother by him to *James* the third Earl of *Hume* (*e*), and the Lady *Elizabeth* to *Theophilus* Earl of *Suffolk* (*f*), of the Kingdom of *England*. I ſhall conclude what I have further to ſay of the Earl of *Dunbar* the Treaſurer, with the Character given him by a very Reverend Hiſtorian (*g*). *He was a Man*, ſays that learned Author, *of deep Wit, few Words, and in his Majeſty's Service no leſs faithful than fortunate: The moſt difficile Affairs he compaſſed without any Noiſe, and never returned when he was employed without the Work performed he was ſent to do.*

Upon the Death of the Earl of *Dunbar*, the Treaſury was put into Commiſſion. The Lords, to whom his Majeſty committed the Adminiſtration of the Royal Revenue, were the Earl of *Dunfermling* the Lord Chancellor, the Secretary Sir *Alex-*

(*a*) Biſhop Spotiſwood's Church Hiſtory. (*b*) Mr. Calderwood's Church Hiſtory, p. 641. (*c*) Balfour's Annals, Vol. 1. (*d*) Mr. Martin of Clermont's Genealogical Collections. (*e*) Charta in Rotulis Jacobi VI. and Sir John Scot's ſtaggering State of the Scots Statesmen, M. S. penes me. (*f*) Sir William Dugdale's Baronage of England, Vol. 2. p. 419. (*g*) Archbiſhop Spotiſwood in his Eccleſiaſtical Hiſtory, p 516.

ander Hay, the Lord Preſident Sir *John Preſton*, the Lord Advocate Sir *Thomas Hamilton*, the Archbiſhop of *Glaſgow* Dr. *Spatiſwood*, the Lord *Scoon*, Sir *Gideon Murray* Lord *Elibank*, and Sir *John Arnot* of *Berſwick* Provoſt of *Edinburgh* (*a*); but upon a new Change at Court, in leſs than two Years thereafter Sir *Robert Ker* the Viſcount of *Rocheſter* was made Lord High Treaſurer of *Scotland*.

Sir *Robert Ker*, Knight of the Bath, Earl of *Somerſet*.

THIS great Favourite was the younger of the two Sons of Sir *Thomas Ker* of *Fernichriſt*, by *Jean* his 2d Wife, eldeſt Daughter of Sir *William Scot* younger of *Buccleugh* (*b*): So his Birth was far from being mean or obſcure, as ſome of the leſs knowing of the *Engliſh* Hiſtorians do repreſent. Mr. *Ker* in his younger Years ſerved King *James* in the Quality of one of his Pages, and waited on his Majeſty into *England*, when he was created one of the Knights of the *Bath*, at the Solemnity of the Coronation, *anno* 1603. After that, for his further Improvement, he went to *France*, where he ſpent four or five Years in attaining the Language, and perfecting himſelf in the Exerciſes then moſt in Vogue. He came over to the Court of *England* in the Winter 1607; and being a young Gentleman of very good Breeding and other Accompliſhments, he was firſt taken Notice of by the King at a Tilting; for according to the Cuſtom, Sir *Richard Preſton* the Lord *Dingwall* his Friend and Countryman, made Choice of Sir *Robert Ker* to preſent his Shield and Device to the King, but while he was deſcending, the Horſe threw him down and broke his Leg.

THIS Accident gave the King Occaſion to take Notice of him, and hearing who he was, and remembering he had been his Servant, but above all for the Memory and Merit of his Father, who had indeed been very faithful to Queen *Mary*, his Majeſty gave Orders to have him lodged in the Court, and to have his own Phyſicians and Chirurgeons to uſe their Endeavours for his Recovery. His Majeſty often viſited him during his Illneſs, ſometimes an Hour or two diſcourſing with him upon ſeveral Subjects; and tho', as an Author obſerves, *he found no great Depth of Learning or Experience, yet ſuch a ſmooth and calm Outſide made him judge there might be a fit Harbour for his moſt retired Thoughts.*

AS ſoon as he recovered, the King with great Satisfaction made him a Gentleman of the Bed-chamber, and ſoon after he came to be the ſole Favourite. And now all Addreſſes were made to Sir *Robert Ker*; No Suit nor Reward were managed but by his Means; his Hand diſtributed Favours, and his Hand reſtrained them: And what added to his riſing Greatneſs, and gave him the greater Luſtre in his own Country, where it was his Happineſs to be extolled, as well as in *England*, he was in the 1613 advanced to be Lord High Treaſurer, that great Office being then void by the Death of the Earl of *Dunbar*; and the ſame Year, by Letters Patent, bearing Date the 25. of *March*, he was raiſed to be a Peer of *England*, by the Stile and Title of Viſcount *Rocheſter* (*c*), and in *May* thereafter was inſtalled Knight of the Garter (*d*). And further, to aggrandize this great Favourite, he was one the 3d of *November* 1614 created Baron of *Branſpath*, Earl of *Somerſet*, and Lord Chamberlain of the Houſhold to the King (*e*). About this Time, the more to ſtrengthen himſelf by an Alliance in *England*, he married the Counteſs of *Eſſex*, a Daughter of the Earl of *Suffolk*'s, who had been divorced from her Husband, to make Way for her Marriage with the Earl of *Somerſet*,

(*a*) Mr. David Calderwood's large Eccleſiaſtical Hiſtory from the Copy in the Library of the College of Glaſgow, M. S. (*b*) Charta in pub. Archivis, and Mr. Martin's Collections before cited. (*c*) Sir William Dugdale's Baronage of England, Vol. 2. (*d*) Ibidem. (*e*) Ibidem.

ſet, which at Length prov'd the Cauſe of his Ruin. Many had diſſwaded him from this Marriage, but no Body with ſo much Freedom as one Sir *Thomas Overburry*, who was the Earl's great Confident; for how ſoon the honeſt Gentleman underſtood he deſigned to marry that Lady, he dealt freely and honeſtly with him in the Matter, and told him plainly, *That nothing could be more deſtructive to his growing Hopes than to lay a Foundation in ſo much Injuſtice, as to marry another Man's Wife, and therefore paſſionately deſired him to fix his Thoughts upon a more honourable Object, and not upon one whoſe Injuſtice to her Husband was branded with perpetual Infamy.* This rough, but honeſt Advice, found no Reception in the Mind of the Earl, who being captivated with the Charms of the Counteſs, did not only eſtrange himſelf from the Friendſhip of *Overburry*, but alſo excited the Fury of the Lady againſt him; ſo both joining in their Reſentments, they agreed to take away his Life by Poiſon; but that not being eaſy to be done in a publick Way, they contrived to exaſperate the King againſt him, and procure him to be impriſoned, that they might with the greater Privacy effect his Ruin, and thus they went to Work. The King deſigning to ſend an Ambaſſador to *Flanders* to the Archduke, the Earl treacherouſly recommended Sir *Thomas Overburry* to his Majeſty for that Service, and at the ſame Time he uſed all Methods to diſſuade him from undertaking the Employment, as well knowing that his Refuſal would highly diſoblige the King. Sir *Thomas* was not ſo little a Courtier, or ſo void of Reaſon, as not to ſee the Danger of diſobeying the King's Commands, and therefore dealt with the Earl to get the Matter put off, and to mollifie the King's Diſpleaſure; but tho' the Earl undertook to do this, yet on the Contrary he ſo aggravated his Offence in refuſing his Obedience, and ſo incenſed the King, that the unfortunate Gentleman, was, without Hearing, ſent to the Tower for Contempt. While he lay there, the Counteſs, with the Privity of the Earl, found Means, by the Aſſiſtance of one Mrs. *Turner*, and other wicked Agents, to poiſon him, which at Length they effected by an impoiſoned Glyſter, compounded by one *Franklyne*, and adminiſtred by an Apothecary's Boy, and ſo finiſhed their Work, and brought the innocent Gentleman to an untimely End. For a While the great Favourite, the Earl of *Somerſet*, and his Buſineſs met with no Stop nor Interruption till the appearing of Sir *George Villiars*, who was afterwards Duke of *Buckingham*, when it ſoon became apparent the Earl declined in the King's Favour as faſt as the other mounted. And now the innocent Blood of Sir *Thomas Overburry*, calling for Vengeance from Heaven, that which had been but privately murmured in Corners, now openly reſounded in the Streets: For the Apothecary's Boy, who had given Sir *Thomas Overburry* the Glyſter, falling ſick at *Flaſhing*, revealed the whole Matter, which Sir *Ralph Winwood* Secretary of State by his Correſpondent had a full Relation of, and a ſmall Breach being made, the Earl had Enemies enough to ruſh in and overwhelm him.

THE King being informed of theſe Tranſactions, was ſtruck with the Horrour of them, and ſending for the Judges, gave them ſtrict Charge to examine the Matter throughly, and with the utmoſt Severity; and new Diſcoveries being made in the Murder every Day, the Earl and his Counteſs were committed to Priſon, while the inferior Criminals were tried, convicted and executed. At Length, on the 24th of *May* 1616, the Lady *Somerſet* was brought to her Trial, and the Earl the Day after, and being both found guilty, they were condemned to die; but

after ſome Years Impriſonment in the Tower, by the King's Mercy, their Lives were ſpared, and the Earl had a Remiſſion under the Great Seal of *England*, 7th of *October* 1624 (*a*). He was ſuffered alſo to enjoy the greateſt Part of his Eſtate, and thought himſelf but ill uſed, that he was not reſtored to the whole (*b*). We are told by an Author of good Credit, That the Earl of *Somerſet* was after this ſometimes viſited by King *James*, but never by King *Charles*, tho' he lived upwards of twenty Years after his coming to the Crown. He died at *London* in the Month of *July* 1645 (*c*), and was interred in the Pariſh Church of St. *Paul* Covent Garden, leaving Iſſue by the Counteſs his Wife aforeſaid, only one Daughter, the Lady *Anne Ker*, who was married to *William*, Earl, and thereafter Duke of *Bedford*.

John Earl of *Mar*.

THIS noble Lord was the only Son of *John* Earl of *Mar*, who was one of the Regents of *Scotland* in the Minority of King *James* VI. and he died in that great Office on the eight of *October* 1572. His Mother was *Anabella*, Daughter of *William Murray* of *Tillybardin*. He was born in the 1558, and was bred with the young King *James* VI. by the famous and learned Mr. *Buchanan*, under the Eye of the old Counteſs his Mother, his Uncle Sir *Alexander Erskine* of *Gogar* being Guardian of his Eſtate during his Minority, and Keeper of the Caſtle of *Stirling*.

WHEN the young Earl of *Mar* came firſt to act upon the Stage of Buſineſs, he was much in the Intereſt of the old Earl of *Morton* who had been Regent; who the better to keep his own Court, put him upon ſurprizing of the Caſtle of *Stirling*, and taking the Government of that Place upon himſelf before he was of Age. But tho' the Buſineſs was well enough contrived, yet it was not ſo ſucceſsfully execute but that he was repulſed in the Attempt; the greateſt Misfortune of all was, that in the Scuffle Mr. *Erskine* the Governor's eldeſt Son, and the Earl's own Couſin-German, a young Gentleman of great Hopes, received a Wound of which he died in three or four Days thereafter (*d*). Tho' this Buſineſs was but a private Quarrel amongſt the Friends of the Family of *Mar*, it was like to make a great Noiſe; yet the King, young as he was, of his great Wiſdom, far above his Years, reſolved to compromiſe the Matter himſelf, without any more Buſtle, which he did on theſe Terms, *That the Earl of* Mar, *being now come to a reaſonable Age, ſhould attend the King's Perſon, and have the Cuſtody of the Caſtle of* Stirling; *and that Sir* Alexander Erskine *his Uncle ſhould be Governor of the Caſtle of* Edinburgh, *one of the Gentlemen of his Majeſty's Bedchamber, and when he came to Court to have his Table at the King's Charge as formerly* (*e*). The young Earl of *Mar* continued firm to the Earl of *Morton* to the laſt, and after his Death ſtruck in with that Party whom he had always ſupported, which brought him into great Trouble: For his Lordſhip having unwarrily joined with that Faction of the Nobility that ſurprized the King at *Ruthven*, he was, after his Majeſty got out of their Hands, removed from the Command of *Stirling* Caſtle, and for the Security of his Perſon was forced to flee over to *Ireland*, from whence he came to *England*, and joined with the Reſt of the Nobility who made the Attempt at *Stirling* in the 1585, to remove the Earl of *Arran* from his Majeſty's Counſels and Preſence. The Enterprize ſucceeding to their Wiſh, the Earl of *Mar*, and the reſt of his Aſſociates recovered the King's Favour, which he never afterward forfeited by

(*a*) Fœdera Angliæ, ad Annum 1624. (*b*) Caballa. (*c*) Dugdale's Baronage of England, Vol. 2. pag. 426. (*d*) Archbiſhop Spotiſwood's Eccleſiaſtical Hiſtory. (*e*) Ibidem, pag. 284.

by the leaſt undutiful Behaviour at any Time throughout the whole Courſe of his Life.

THE Earl having now made his Peace with the Court, he was thereupon inſtantly reſtored to his Command of the Caſtle of *Stirling*, and ſoon thereafter, his Majeſty, out of his abundant Kindneſs, beſtowed upon him in Marriage the Lady *Mary Stewart* his own Couſin, the Daughter of his dead Favourite the Duke of *Lennox*: And then to ſhew the abſolute Confidence the King repoſed in the Earl's Fidelity, he was pleaſed to commit his Son Prince *Henry* to his Care and Tuition, by a Warrant under his own Royal Hand in theſe Words.

My Lord of Mar,

Becauſe in the Surety of my Son conſiſteth my Surety, I have concredited unto the Charge of his Keeping, upon the Truſt I have of your Honeſty; this I command you out of my own Mouth, being in the Company of thoſe I like, otherways for any Charge or Neceſſity that can come from me, you ſhall not deliver him. And in Caſe God call me at any Time, ſee that neither for the Queen nor Eſtates their Pleaſure you deliver him till he be eighteen Years of Age, and that he command you himſelf. This from,

Your aſſured Friend,
JAMES R.

Stirling, the 24. of *July* 1595.

BY Vertue of this Order his Lordſhip kept the Guardianſhip of the Prince, till the King went to *England*, that his Majeſty ſent the Duke of *Lennox* back with a Warrant to the Earl to deliver his Royal Highneſs to the Queen his Mother, which he did accordingly. If the Earl did not go in the Prince's Retinue, I am ſure he ſoon followed him; for coming to the Court about that Time, he was received very graciouſly by his Majeſty; and after many Expreſſions of great Kindneſs, in Reſpect of his Care of the Prince, he was graciouſly pleaſed to give him a very ample Exoneration of his Fidelity in the Diſcharge of that great Truſt, which in Juſtice to his Lordſhip's Memory, and for the Honour of his Poſterity, I ſhall ſet down at full Length in the Appendix.

IN the 1601, the Earl of *Mar* and the Abbot of *Kinloſs* were ſent Ambaſſadors to the Court of *England* (*a*), to congratulate Queen *Elizabeth* upon the ſuppreſſing the audacious Attempt of the Earl of *Eſſex*. I have not ſeen the Earl's Inſtructions, but the main Scope of the Embaſſy, which ſeems to have been to preſerve the Amity betwixt the two Nations, may be eaſily collected from a Letter of the King's to the Queen of *England*, which I ſhall here ſubjoin.

Right High, Right Mighty Princeſs, Our deareſt Siſter and Couſin, in Our heartieſt Manner we commend us to you.

'OUR earneſt Affection carefully to continue that perfect Amity, wherein the chief Well of both our Eſtates conſiſteth, hath cauſed us forſee what Hinderance to the Increaſe thereof hath been hatched and foſtered by unfit Inſtruments, employed by either of us in the treating of our Affairs.

'FOR Remedy whereof, we have made Choice to ſend into you for Ambaſſadors, Our Truſty Couſin and Counſellor the Earl of *Mar*, an Nobleman ſound and zealous in Religion, and of known Affection to the Maintenance of the happy Amity betwixt Our Crowns, and with him the Abbot of *Kinlaſs*, one of Our Privy-Council, whoſe good Diſpoſition to the Conſervation of the foreſaid Amity is not unknown to your ſelf, that by their Miniſtry and Negociation, ſuch good Grounds

(*a*) Archbiſhop Spotiſwood, and Mr. David Calderwood's M. S. in the Library of the College of Glaſgow.

'may be laid down as may here-
'after ſo ſtrengthen and cor-
'roborate the entire and moſt aſſur-
'ed Truſt betwixt us as buſy Spirits,
'Enemies to the Repoſe of both
'our Eſtates, may have no Credit to
'ſhake in any Point.

'THUS expecting your kind Ac-
'ceptation of them with Credit, in
'ſuch Matters as they come from
'us, even as our ſelves. Right High,
'Right Excellent and Right Migh-
'ty Princeſs, Our deareſt Siſter and
'Couſin, we bid you right heartily
'farewell.

Your moſt loving and affectionate Brother and Couſin,

JAMES R.

At *Holyroodhouſe*, the 18th of *Feb.* 1601.

IN this Negotiation the Earl of *Mar* and his Colleague carried the Matter with ſuch Addreſs and Secrecy, that all the great Men of *England* ſigned in Writing an Engagement to aſſert and ſtand by the King's Right of Succeſſion, without knowing of one another's doing it, and without the Queen's ſuſpecting any Thing concerning it. This great Service his Majeſty had the Goodneſs afterward upon another Occaſion, when he was King of *England* to acknowledge, 'That next to the Goodneſs of GOD 'he aſcribed his coming peaceably to 'the Poſſeſſion of the *Engliſh* Throne 'to the Earl of *Mar*'s Negotiation in *England* (*a*),' meaning this Embaſſy. The King having a great Confidence in the Earl's Abilities, and of his Fidelity to his Service, was graciouſly pleaſed, upon his Entrance to *England* to make his Lordſhip a Privy Counſellor in that Kingdom (*b*), and one of the Knights of the moſt noble Order of the Garter; and accordingly he was inſtalled at *Windſor* the 27th of *July* 1603. After this the King heaped Favours on the Earl every Day, for the next enſuing Year he had a Grant of the Abbacies of *Cambuskenneth* and *Dryburgh*, and the Priory of *Inchmathomoe*, that he might the better provide for his younger Sons whom he had by the Lady *Mary Stewart*, of whom the King took great Care: But tho' the Earl of *Mar* had been a long and a great Favourite, yet he had never been in the Miniſtry, it ſeems it was what he had not much affected, at Length he was preferred to be Lord High Treaſurer of *Scotland*, and had the white Staff put into his Hands on the 17th of *December* 1615, upon the Fall of the Earl of *Somerſet* (*c*), as hath been ſaid. He held the Treaſurer's Place long, and ſerved both King *James* and his Son King *Charles* with great Reputation and Sufficiency for about the Space of Fifteen Years, that being grown aged and infirm, and deſiring to retire from Buſineſs himſelf, he reſigned the Treaſurer's Office, which was thereupon conferred upon the Earl of *Morton*.

THE old Earl of *Mar* lived ſome Years after this at his Seat in the Country in great Honour, and in the moſt univerſal Eſteem, as I have heard, of any great Man of that Time: At Length he departed this Life at his own Houſe in the Town of *Stirling*, on *Saturday* the 14th of *December* 1634 (*d*), and was ſolemnly interred amongſt his Anceſtors at the Church of *Alloway* the 7th of *April* 1635. I ſhall give an Account of his Marriages, and the Iſſue he had by both his Wives, and ſo conclude. His firſt Wife was *Anne*, Daughter of *David* Lord *Drummond*, by whom he had only one Son, *John* the next Earl of *Mar*. By his ſecond Wife, the Duke of *Lennox*'s Daughter aforeſaid, he had *James* Earl of *Buchan*, *Henry* Lord

Car-

(*a*) Biſhop Spotiſwood's Church Hiſtory, pag. 477. (*b*) Fœdera Angliæ, Tom. xvi. pag. 427. (*c*) Charta in pub. Archivis, and Mr. David Calderwood's Manuſcript Hiſtory of the Church. (*d*) Sir James Balfour's Annals, M. S. from the Copy in the Library in the Univerſity of Glaſgow.

Carâroſs, Sir *Alexander Erskine* of *Cambuskenneth*, who was ſlain at the diſmal Accident of the blowing up of the Houſe of *Dunglaſs* in the 1640 (*a*), and died without Iſſue, Sir *Charles Erskine* of *Alva*, Sir *John Erskine* of *Otterſton*, *Arthur Erskine* of *Scotscraig*; the ſeventh and youngeſt Son, was the Honourable *William Erskine*, who was one of the Cup-bearers to King *Charles* II. and died Maſter of the Charter-Houſe Hoſpital, *London*, *anno* 1685.

Lady *Mary*, the Lord Treaſurer's eldeſt Daughter, was married firſt to *William* Earl *Mariſhal*, and again to *Patrick* Earl of *Panmure*,

Lady *Margaret*, the ſecond, to *John* Earl of *Rotheſs*; ſhe was Mother to the Duke of *Rotheſs*,

Lady *Martha*, the third, to *John* Earl of *Kinghorn*, but had no Iſſue that ſurvived herſelf;

Lady *Anne*, to *Thomas* Lord *Binning*, at that Time Son and Heir apparent to *Thomas* firſt Earl of *Haddington*.

William Earl of *Morton*.

The Earl of *Morton*'s Anceſtors, before they attained to this Honour, were Lairds of *Lochliven*. The Lord Treaſurer's Grandfather, *William Douglas* of *Lochliven* ſucceeded to the Eſtate, and the Honour of Earl of *Morton*, upon the Death of *Archibald* Earl of *Angus*, who had that Dignity veſted in his Perſon, *anno* 1588. The Earl ſo ſucceeding, married *Agnes*, Daughter of *George* Earl of *Rotheſs* (*b*), by whom he had *Robert* his Son and Heir apparent, who in the Lifetime of his Father, married *Jean* Daughter of *John* Lord *Glammis*; by her he had only one Son, *William* Earl of *Morton* the Lord Treaſurer. He was born in the Year 1582: His Father dying when he was an Infant, he was by the Care of his Grandfather well brought up, and had a noble Education both at Home and in Foreign Parts. Soon after his Return from his Travels he came to be Earl of *Morton* by the Death of his Grandfather in the 1606; and being a Nobleman of excellent Parts, and of a great Fortune, he was by King *James* called to the Privy Council, but was never in any great Degree of Favour, becauſe he did not go into the King's great Deſign of ſetting up of Epiſcopacy, and in ſettling ſomewhat of an Uniformity in the publick Worſhip betwixt the two Nations.

When King *Charles* came to the Crown, he was named of the Privy Council, and having made an Alliance by Marriage of his eldeſt Son with a Niece of the Duke of *Buckingham*'s, he was conſtituted Lord High Treaſurer upon the Diſmiſſion of the Earl of *Mar*, the 12th of *April* 1630: He held the Office for about the Space of five Years, that he reſigned, and thereupon the white Staff was put into the Hands of the Treaſurer-Depute the Earl of *Traquair*. But tho' he was out of the Treaſurer's Place, for all that he continued in great Favour at Court, where he moſtly reſided; and that he might appear in the greater Luſtre, he was ſworn a Privy Counſellor of *England* (*c*), made Captain of his Majeſty's Guard, and a Knight of the moſt noble Order of the Garter. I have been well aſſured, that the King would gladly have made the Earl of *Morton* again Treaſurer in the 1641, when he was forced to part with *Traquair*, but upon a Suſpicion that he was too much in the Intereſt of the Court, it was oppoſed by the leading Men of the Party, who carried all before them. The King indeed, that he might give no Umbrage, dropt the Thing, but would name no Treaſurer; whereupon the Office was put into Commiſſion with Conſent of Parliament.

After that, the Earl of *Morton* went to *England* with the King, and waited on his Majeſty to the

(*a*) Sir James Balfour's Annals, M. S. from the Copy in the Library of the Univerſity of Glaſgow. (*b*) Charta penes Comitem de Morton. (*c*) Ruſhworth's Collections.

great Council of the Peers at *York* 1642 (*a*), and from thence to *Oxford*, where he remained till the King sent him down, with some other Persons of Quality of the *Scots* Nation in the 1643, to prevent by all possible Means any Conjunction from thence with the Parliament of *England* (*b*). His Lordship was present in the Convention of Estates that then met, where he joined the Duke of *Hamilton*, the Earls of *Roxburgh*, *Lanerk*, and the Rest of the Royalists, by acting all that was possible for advancing the King's Service (*c*). But tho' Things went not according to their Wish, yet it appears, the King was perfectly satisfied with the Earl's Conduct (*d*), and of his Fidelity in that Juncture, tho' his Endeavours were not attended with Success. It was much about this Time, or a little before that the King having very pressing Occasions for Money, the Earl advanced his Majesty great Sums, for which he morgaged to his Lordship the Earldom of *Orkney*, and the Lordship of *Zeatland*, and thereupon he had a Charter confirming the Contract the 15th of *June* 1643 (*e*). When the Civil War broke out, the Earl being resolved, whatever others did, to adhere with inviolable Fidelity to the King, and having a very sad Prospect of the Times, he withdrew to *Orkney*, that he might be out of the Way, and not an Eye Witness to the Calamities of his Country. The King's Misfortunes after that went very near his Heart, and was thought hastened him to his Grave; for in two or three Years after that, he departed this Life, the 7th of *August* 1648 (*f*), in the 66th Year of his Age. He left a numerous Issue behind him by the Lady *Agnes Keith* his Wife, Daughter of *George* Earl *Marischal*, *viz.* *Robert* Earl of *Morton*, who was his Heir, Sir *James Douglas* of *Smithfield*, who became afterward Earl of *Morton* upon the Death of a Nephew, *John* who was kill'd in the King's Service at *Carbersdale* 1650, and *George Douglas* Esq; He had also five Daughters.

Lady *Anne*, the eldest, who was married to *George* the second Earl of *Kinnoul*,

Lady *Margaret*, the second, to *Archibald*, Earl, and thereafter Marquis of *Argyle*,

Lady *Mary*, the third, to *Charles* the second Earl of *Dunfermling*,

Lady *Jean*, the fourth, to *James* Earl of *Home*,

Lady *Isabel*, the fifth, to *Robert* first Earl of *Roxburgh*, and after that to *James* the second Marquis of *Montrose*.

John Earl of *Traquair*.

This great Statesman was the eldest Son of *John Stewart* younger of *Traquair*, by *Mary Stewart* his Wife, a Daughter of the Lord *Ochiltree*'s Family. He was left young at his Father's Death, but was bred by the Care of Sir *William Stewart* of *Traquair* his Grandfather's elder Brother, who looked on him as the Heir of his Family, and gave him an Education accordingly. He was not of Age at his Grandfather's Death, whom he succeeded in the 1606 (*g*), so that he fell under the Guardianship of his Uncle Sir *Alexander Stewart* of *Shillinglaw*, and Dr. *Sydserf*, who was afterward Bishop of *Galloway*, as I have been informed, was his Tutor. After his Return from his Travels, being a young Gentleman of excellent Parts, he was chosen a Member of Parliament for the County of *Selkrig*, *anno* 1621, when the five Articles that had been settled by an Assembly of the Church at *Perth* received now the Sanction of a Law. I have been told he was first brought into the Court by the Earl of *Kinnoul*'s Means; and being himself a Gentleman

(*a*) Rushworth's Collections. (*b*) Ibidem. (*c*) Dr. Burnet's Memoirs of the Dukes of Hamilton. (*d*) Ibidem. (*e*) Charta in Rotulis Caroli I. ad Annum 1643. (*f*) Ibidem, and Simpson's Collections. (*g*) Charta in pub. Archivis.

man of very loyal Principles, and much devoted to the Crown, he was first made a Knight, and then raised to be a Peer by the Title of Lord *Stewart* of *Traquair*, by Letters Patent the 19th of *April* 1628 (*a*), and after that coming into great Favour, he was preferred to be Treasurer-Depute, when the Earl of *Morton* was made Lord High Treasurer, *anno* 1630, and created Earl of *Traquair* while the King was in *Scotland*, the 22d of *June* 1633 (*b*). The Earl being now entirely in the Measures of the Court, and thought the capablest Man for Business in the Ministry, was pitched on to manage the Prosecution of the Lord *Balmerino*, when he was tried for High Treason for concealing a seditious Paper that had been drawn up by one *Haig* a Lawyer, in the 1634. But tho' the Earl of *Traquair* was very keen to have it carried for the Court, and got *Balmerino* condemned by his own casting Vote (*c*), yet he not only dissuaded the King from suffering the Sentence to be execute, but likewise procured his Pardon (*d*), which for a While rendered him exceeding popular throughout the whole Kingdom.

Soon after this the Earl of *Traquair* was raised to be Lord High Treasurer, upon the Dimission of the Earl of *Morton*, and being now in great Favour with the King, and in no less Credit with Archbishop *Laud*, he was the only Layman the Court relied on in the Design of establishing a Liturgy, and Body of Canons for the Worship and Government of the Church, which was introduced in the 1637. Some indeed are of Opinion (*e*), that for all his Lordship's Pretensions for promoting the new Model of Worship and Discipline, yet at Bottom he was but cold in that Service, and privy to all the Conspiracies against it. But the Lord *Clarendon* clears him of this, and assures us, *That there neither appeared then, nor in all the very unfortunate Part of his Life afterwards, any just Ground for that Accusation and Suspicion; for as he was*, adds the noble Historian, *exceedingly obliged to the Archbishop, so he was a Man of great Parts, and well affected to the Work in Hand in his own Judgment; and if he had been as much depended upon to have advised the Bishops in the Prosecution, and for the Conduct of it, as he was to assist them in the carrying on whatsoever they proposed, it is very probable, that either so much would not have been undertaken together, or that it would have succeeded better; for he was without Doubt not inferior to any in that Nation in Wisdom and Dexterity. And tho' he was often provoked by the Insolence of some of the Bishops to a Dislike of their over much Fervour, and too little Discretion, his Integrity to the King was without Blemish, and his Affection to the Church so notorious, that he never deserted it, till both it and he were over-run and trode under Foot, and they who were the most notorious Persecutors of it never left persecuting him to the Death* (*f*). Neither Dr. *Helyn*, the Earl's great Enemy, nor any other Historian that I have seen, accuse him to have been an Enemy to Episcopacy in it self; it is true indeed, he had some Disputes with Bishop *Maxwel* of *Ross*, who aspired to the Treasurer's Place; but this will not argue that he was an Enemy to the whole Order; all he did that Way, I believe, was no more than to put a Stop to the Credit the Bishops had with the King, and to the Fury of their Proceedings, tho', without all Doubt, the Matter went much further then his Lordship seemed to intend. But whatever Suspicion some three or four of the more aspiring Bishops

(*a*) Charta in pub. Archivis. (*b*) Ibidem. (*c*) Sir James Balfour's Annals, M. S. from the Copy in the Library in the University of Glasgow. (*d*) Bishop Burnet's History of his own Times. (*e*) Dr. Helyn and Bishop Burnet, &c. (*f*) The Earl of Clarendon's History of the Rebellion, Vol. 1st. Page 108.

might have of the Lord Treaſurer, yet, it is very plain, the King himſelf did not think the Earl in any Degree either corrupted or diſaffected to his Service: And this is plain, ſince we find that in the 1639, when his Majeſty was pleaſed to indict a Parliament and a General Aſſembly to appeaſe the Commotions, and extinguiſh the Flame that was now kindled, he pitched on the Lord Treaſurer, the Earl of *Traquair*, to repreſent his Royal †Perſon in both. His Inſtructions being on Record, I ſhall here ſet them down as following.

CHARLES R.

'AT the firſt Meeting of the 'Aſſembly, before it be brought in 'Diſpute who ſhall preſide, you 'ſhall appoint him who was Mode-'rator in the laſt Aſſembly to pre-'ſide in this till a new Moderator 'be choſen.

'WE allow that Lay-elders ſhall 'be admitted Members of this Aſ-'ſembly: But in Caſe of the Electi-'on of Commiſſioners for Presby-'teries Lay-elders have had Voice, 'you ſhall declare againſt the Infor-'mality thereof; as alſo againſt Lay-'elders having Voice in fundamen-'tal Points of Religion.

'AT the firſt opening of the 'Aſſembly, you ſhall ſtrive to make 'the Aſſembly ſenſible of Our Good-'neſs, that notwithſtanding all that 'is paſt, whereby We might juſtly 'have been moved not to hearken 'to their Petitions, yet We have 'been graciouſly pleaſed to grant a 'free General Aſſembly, and for 'great and weighty Conſiderations 'have commanded the Archbiſhops 'and Biſhops not to appear at this 'Aſſembly.

'YOU ſhall not make Uſe of the 'Aſſeſſors in publick, except you find 'you ſhall be able to carry their ha-'ving Vote in Aſſembly.

'YOU ſhall labour to your ut-'termoſt, That there be no Queſti-'on made about the laſt Aſſembly; 'and in Caſe it come to the worſt, 'whatever ſhall be done in Ratifi-'cation, or with Relation to the 'former Aſſembly, Our Will is, that 'you declare the ſame to be done as 'an Act of this Aſſembly, and that 'you conſent thereunto only upon 'theſe Terms, and noways as ha-'ving any Relation to the former 'Aſſembly.

'YOU ſhall by all Means ſhun 'the Diſpute about Our Power in 'Aſſemblies; and if it ſhall be ur-'ged or offered to be diſputed, whe-'ther We have the Negative Voice, 'or the ſole Power of Indicting, 'and conſequently of Diſſolving, ex-'cept you ſee clearly that you can 'carry the ſame in Our Favours, 'ſtop the Diſpute; and rather than 'it be decided againſt Us, ſtop the 'Courſe of the Aſſembly until We 'be advertiſed.

'FOR the better facilitating of 'Our other Services, and the more 'peaceable and plauſible Progreſs in 'all Buſineſſes recommended to you, 'We allow you at any Time you 'ſhall find moſt convenient, after 'the Opening of the Aſſembly, to 'declare, That notwithſtanding Our 'own Inclination, or any other Con-'ſiderations, We are contented for 'Our Peoples full Satisfaction, to 'remit Epiſcopacy, and the Eſtate 'of Biſhops to the Freedom of the 'Aſſembly, but ſo as no Reſpect be 'had to the Determination of the 'Point in the laſt Aſſembly.

'BUT in giving Way to the a-'boliſhing of Epiſcopacy, be care-'ful that it be done without the 'appearing of any Warrant from 'the Biſhops; and if any offer to 'appear for them, you are to en-'quire for their Warrant, and car-'ry the Diſpute ſo, as the Conclu-'ſion ſeem not to be made in Pre-'judice of Epiſcopacy as unlawful, 'but only in Satisfaction to the 'People, for ſetling the preſent Di-'ſorders, and ſuch other Reaſons of 'State: But herein you muſt be 'careful that Our Intentions appear 'not to any.

Yet

'YOU ſhall labour that Miniſters 'depoſed by the laſt Aſſembly, or 'Commiſſions flowing from them, 'for no other Cauſe but the ſub-'ſcribing of the Petition or Decli-'nator againſt the laſt Aſſembly, be, 'upon their Submiſſion to the De-'termination of this Aſſembly, re-'poned in their own Places; and 'ſuch other Miniſters as are depoſed 'for no other Faults, that they be 'tried of new; and if that cannot 'be, ſtrive that Commiſſions may 'be directed from this Aſſembly for 'trying and cenſuring them accord-'ing to the Nature of their Proceſs.

'THAT immediately upon the 'Concluſion of this Aſſembly, you 'indict another at ſome convenient 'Time, as near the expiring of the 'Year as you can: And if you find 'that *Aberdeen* be not a Place a-'greeable, let *Glaſgow* be the Place, 'and if that cannot give Content, 'let it be elſewhere.

'THE General Aſſembly is not 'to meddle with any Thing that 'is civil, or which formerly hath 'been eſtabliſhed by Act of Parlia-'ment, but upon His Majeſty's 'ſpecial Command or Warrant.

'WE will not allow of any Com-'miſſioners from the Aſſembly, nor 'no ſuch Act as may give Ground 'for the continuing of the *Tables* or 'Conventicles.

'IN Caſe Epiſcopacy be aboli-'ſhed at this Aſſembly, you are to 'labour that We may have the Pow-'er of chuſing of ſo many Miniſters 'as may repreſent the 14 Biſhops 'in Parliament; or if that cannot 'be, that 14 others whom we ſhall 'preſent be agreed to, with a Pow-'er to chuſe the Lords of the 'Articles for the Nobility for this 'Time, until the Buſineſs be fur-'ther conſidered upon.

'WE allow that Epiſcopacy be 'aboliſhed for the Reaſons contain-'ed in the Articles, and the Cove-'nant 1580 for Satisfaction of Our 'People be ſubſcribed, provided it 'be ſo conceived, that thereby Our 'Subjects be not forced to abjure 'Epiſcopacy as a Point of Popery, 'or contrary to GOD's Law, or the 'Proteſtant Religion: But if they 'require it to be abjured, as con-'trary to the Conſtitution of the 'Kirk of *Scotland*, you are to give 'Way to it rather than to make a 'Breach.

'AFTER all Aſſembly Buſineſs is 'ended, immediately before Prayers, 'you ſhall in the faireſt Way you 'can, proteſt that in Reſpect of His 'Majeſty's Reſolution of not com-'ing in Perſon, and that His In-'ſtructions to you were upon ſhort 'Advertiſement, whereupon many 'Things may have occurred, where-'in you have not had His Majeſty's 'Pleaſure, therefore, and for ſuch 'other Reaſons as Occaſion may 'furniſh, you are to proteſt, that in 'Caſe any Thing have eſcaped you, 'or hath been condeſcended upon in 'this preſent Aſſembly, prejudicial 'to His Majeſty's Service, that His 'Majeſty may be heard for Redreſs 'thereof in his own Time and 'Place.

'WE will not allow, that either 'by the Commiſſions already grant-'ed, nor upon no other Bill or Pe-'tition, any Part of the Burden of 'the Charges of the laſt Buſineſs be 'laid upon any of our good Subjects, 'who have ſtood by Us, and have 'refuſed to ſubſcribe their Bonds 'and Covenants.

'THAT you ſtop the Signatures 'of the Rights of *Kyntire*, *Abbacy* of '*Dear*, *Abbacy* of *Scoon*, and gene-'rally all Acts in Favours of Cove-'nanters, ſo far as you can without 'ſtopping the ordinary Courſe of 'Juſtice: And you are to conſider 'withal how His Majeſty's Right to 'any of the aforeſaids may be put 'on Foot without making Interrup-'tion to the preſent Buſineſs in 'Hand.

'YOU ſhall take a Courſe where-'by the Rents of all ſuch Biſhop-'ricks as are vacant be detained, 'and either by Warrant of the In-'cumbent, or by Dimiſſion may be 'collected: And when any Perſon

'shall be provided to these Benefices 'so vacant, Our Will is, that you 'take the same Course with the 'Rents of these, as by these We do 'command you to do with the Rest 'of the Rents of the Bishopricks of '*Scotland*; which is this, to cause 'draw up a formal Assignation to 'the whole Rents, Fruits, Customs, '*&c.* belonging to the Bishoprick, 'whereof they are Bishop, to be 'subscribed by them to, and in Our 'Favour, upon Return whereof to 'you, you shall give Power and 'Commission to such Persons as you 'shall receive under every one of 'their Hands, to collect and intro-'met with the aforesaid Rents of 'the several Bishopricks, and to de-'liver and be accountable to you 'for the same; and upon your Re-'ceipt thereof, you are to issue them 'out immediately again to the afore-'said Bishops, or any having their 'Warrant to that Effect.

'YOU shall hear the Complaints 'or Petitions of any of Our Subjects, 'or against any of Our Subjects, but 'such as you know to be Sufferers 'for refusing to join with the Cove-'nanters in the covenanting Way; 'and you shall protect all such Per-'sons by all the fair Ways you can, 'and particularly Sir *John Hay* and 'Sir *Robert Spotiswood*.

IF any Thing occur either in Ci-'vil or Ecclesiastical Judicatory, 'wherein you have not Our express 'Will and Pleasure signified unto 'you, wherein you see clearly Our 'Royal and Princely Power and Au-'thority prejudiced, We will you 'to acquaint Us therewith be-'fore any Proceedings be made.

YOU shall pay weekly for De-'fence of Our Castle of *Edinburgh* 'One Hundred Soldiers at eight 'Pence *per diem*, besides the *English* 'Gunners and Artificers, at the 'Rates set down by the Marquis of '*Hamilton*. And as for *Rathven* 'himself, you shall assign him the 'Rents of the Castle; and you shall 'likewise keep a competent Number 'of Workmen for compleating the 'Fortifications already begun, and 'shall withal provide the Castle 'with six Months Victuals for the 'foresaid Number of Soldiers and 'other Officers.

'AND as for *Dumbritton*, you 'shall pay for the Defence thereof 'Soldiers at eight Pence *per diem* to 'the Number of Forty, allowing the 'Rents and other Customs thereof 'for paying the Captain and other 'Officers.

At Berwick *the* 27*th of* July 1639.

ACCORDING to Appointment the Assembly met at *Edinburgh* the 12th of *August* 1639 (*a*). The Sermon being over, the Earl of *Traquair* the Lord High Commissioner made a Speech to the Assembly, in which he told them, *That tho' he might justly except against diverse of their Proceedings, yet he would not, and that now he was fully warranted from the King's Majesty his Master to give them all reasonable Contentment, that the World might see that his Majesty intended to bring no Innovations upon them, nor to govern them otherwise than by the Laws of the Kingdom* (*b*). Then they proceeded to confirm all that had been done in the Assembly of *Glasgow*, namely, the utter Extirpation of Episcopacy, the abolishing the five Articles of *Perth*, the *High Commission*, the *Liturgy* and *Book of Canons* (*c*); they likewise ratified the *Covenant*, ordaining it to be sworn to, and subscribed by all the Subjects in the Kingdom; and to cast a Copy to others, the Earl of *Traquair* subscribed it himself, but with a particular Explanation, as his Majesty's Commissioner, a Favour no other Subject was allowed, and which he declared he did not pretend to *as Earl of* Traquair (*d*). All this was com-

(*a*) Sir James Balfour's Annals, Vol. II. *ad Annum* 1639. (*b*) Ibidem. (*c*) Bishop Burnet's Memoirs of the Dukes of Hamilton, pag. 158. (*d*) Acts of the General Assembly 1639.

compleated in a few Days, and received the Conſent of his Majeſty's Commiſſioner. So the Aſſembly roſe on the 30th of *Auguſt*.

THE next Day after the breaking up of the Aſſembly, the Parliament met (*a*). The Ceremony of Riding from His Majeſty's Palace of *Holyroodhouſe* to the Parliament Houſe was performed with great Solemnity; all the Members being on Horſe-back, and the Nobility in their Robes, and rich Foot Mantles in a very regular Method (*b*). After the Lord High Commiſſioner was on the Throne, his Grace, in his Speech, among other Things, ſet forth *His Majeſty's gracious Goodneſs to his People in convocating the Parliament at that Time, with a View of eſtabliſhing the Peace and Tranquility of the Kingdom, the Thing in the World His Majeſty, he aſſured them, had then moſt at Heart, and wiſhed nothing more than that all their Deliberations might ſpeedily be brought to a happy Iſſue, and a comfortable Concluſion.* The firſt Thing they entred upon was about the chuſing the Lords of the Articles. Before the aboliſhing of Epiſcopacy, the conſtant Method was this: The *Biſhops* choſe eight of the Nobility, and the *Noblemen* eight *Biſhops*, and theſe ſixteen choſe eight *Barons*, and eight *Burgeſſes*, to whom the King joined the eight Officers of State; and all theſe together made up a ſelect Committee of *Forty*, whoſe Buſineſs was to prepare Things for the Parliament (*c*). But now the Biſhops being laid aſide, they knew not how to proceed according to the former Rule; at Length, upon a Motion from the Commiſſioner, it was granted, that not to prejudice his Majeſty's Right, he ſhould have now the Election of eight Noblemen inſtead of the eight Biſhops formerly nominated, and for the Future every State ſhould chuſe their own Commiſſioners. After that they proceeded to demand a Ratification of the Acts of the late Aſſembly, then they urged that an Act of Oblivion, or what was rather an Act for Juſtification of all their Actings from the Beginning of the Troubles might paſs in Parliament; next they proceeded to demand from the King, *That the Coin, a Prerogative peculiar to the Crown, ſhould not be managed but by Advice of Parliament; that no Foreigner ſhould have Command of their Caſtles, no Honour granted to any Stranger but ſuch as had a competent Eſtate in* Scotland, *and that Commiſſioners of Juſticiary or Lieutenancy ſhould have Power but for a limited Time*, &c. The Commiſſioner, the Earl of *Traquair*, finding he could not hold Pace with them, and keep cloſe to his Inſtructions, to the latter of which he reſolved to adhere, did on the 30th of *October* prorogue the Parliament till the 14th of *November* next (*d*). Upon the Earl's acquainting the Houſe with His Majeſty's Commands, tho' they reſolved not to ſit till the Day to which it was prorogued, yet they proteſted againſt it, *Declaring it invalid and of no Force, and without Precedent, that the Commiſſioner ſhould by a private Warrant prorogue the ſitting of a Parliament*; yet for the preſent, they reſolved to make Remonſtrance to His Majeſty, and accordingly ſent up two of their Number to the King; but they coming without Warrant of his Majeſty's Commiſſioner were commanded back without Audience. The Commiſſioner finding what a Temper and Ferment the Nation was in, and that he ſaw viſibly there was a formed Deſign of eclipſing the Royal Authority if the Parliament met, he gave Notice of this to the King, whereupon His Majeſty ſent ſpeedy Orders to his Grace the Commiſſioner to adjourn the Parliament to the

(*a*) Balfour's Annals. (*b*) Ibidem. The Curious may ſee there the whole Method of the Solemnity, the Author himſelf being Lord Lyon at the Time. (*c*) Burnet, Ruſhworth, &c. (*d*) Ibidem.

2d of *June* in the next Year 1640 (*a*). The Earl having obeyed His Majesty's Commands, immediately went up to Court, that he might lay before the King a true Account of the State of Affairs in *Scotland*, which, there are good Reason to believe, he did with great Fidelity, tho' many Writers very unaccountably, and upon very slender Grounds, do charge him both with Treachery and Ingratitude to the King; but upon all the Enquiry I have made into that Matter, I could never discover any Thing of it, no not in one single Instance.

THE learned Writer of the Memoirs of the Dukes of *Hamilton* tells us, That when the Earl of *Traquair* came to *London he got but a very cold Reception*, His Majesty being highly displeased with that Part of his Conduct, the subscribing of the Covenant; but in Excuse of this, he said, if he had not done that, he could have had no Assistance from them, meaning the Covenanters, to obtain any Thing else that related to the King's Service. The Bishops who were now at Court, especially the Bishops of *Ross* and *Brechin*, failed not to take Advantage of this Trip of his, as Dr. *Burnet* calls it (*b*), and to pursue him with great Eagerness; and he seeing himself thus pushed at, that he might recover what Ground he had lost with the King, was the more earnest to press His Majesty to a new Invasion, assuring him that General *Ruthven* would teach them their Duty, and was very formidable to them. He is said to have also at this Time furnished the King with a great many Grounds for justifying his Procedure against the Covenanters, a chief one being a Letter he had got which they had written to the *French* King, desiring his Protection and Assistance, which was High Treason by the Law of *Scotland*, as being a Treaty with a Foreign Prince without the King's Permission. And upon these Grounds it was, that the Lord Treasurer, the Earl of *Traquair*, was pursued by the Parliament 1641, as the Grand Incendiary, which they explained to be *one who kindled Coals of Contention, and raised Differences in the State to the Detriment of the Publick, and was* tanquam publicus hostis patriæ.

BUT all the Efforts of the Bishops and the other high Flyers to bring the Earl of *Traquair* into Disgrace with the King were to no Effect; for His Majesty never suspecting his Fidelity, tho' he was not satisfied with some Things in his Conduct, yet he stood his Ground and kept the Treasurer's Place till the 1641, that to please the Covenanters, who were pursuing him before the Parliament as an Incendiary, as hath been said, he was removed from the Office, which was thereupon put into Commission by Act of Parliament when the King was there present in his own Royal Person (*c*). But for all the Concessions the King had made at this Time to the Parliament, yet he could not prevail to get the Earl of *Traquair*, and the four other Incendiaries discharged of the Process that was then in Dependence against them. His Majesty however pressed very hard indeed, that the Act of Oblivion might be without Exception, which would have included the Earl. They were for a While very stiff upon the Point, pretending their Oath for prosecuting them; but at Length, in Consideration of His Majesty's great Concessions to the Parliament at this Time, the Matter was thus adjusted; the several Processes were to go on against them, but their Censure in the End was to be remitted to the King himself. The Act that passed upon this Accommodation being but in few Hands, and little known, I presume, will not be unacceptable, at least to the Curious, to set it down here.

'THE Estates of Parliament consi-
'dering, That whereas albeit *John*
'Earl of *Traquair*, Sir *Robert Spotis-*
'wood

(*a*) Balfour's Annals. (*b*) In his Memoirs of the Dukes of Hamilton, pag. 160. (*c*) Rescinded Acts of Parliament.

"*wood* of *Dunnipace* Knight, Sir "*John Hay* of *Baro* Knight, late "Clerk Regiſter, Dr. *Walter Bal-* "*canquel*, and Mr. *John Maxwel* "ſometime pretended Biſhop of *Roſs*, "are cited before them, and accuſed "as guilty of divers hainous Crimes "perpetrated and committed be them "againſt the Common-wealth, con- "tained in their ſeveral Ditties, "which they have juſt Reaſon to "proſecute: Nevertheleſs, the ſaid "Eſtates of Parliament taking into "their ſerious Conſideration His "Majeſty's gracious Goodneſs to- "wards this his Native Kingdom, "and his fatherly Care and Wiſdom "in compoſing all paſt Differences, "and providing for the future, to "the great Joy and Happineſs of "all his Subjects, do, in Retribution "thereof, with an unanimous Con- "ſent, to teſtify their high Reſpect and "Thankfulneſs to His Majeſty, and "that His Majeſty may joyfully re- "turn a contented Prince from a "contented People, to the ſettling of "his Royal Affairs in his other Do- "minions, believing that the ſamen "will be acceptable to His Majeſty, "and conduceable to the Good and "Peace of the Kingdom, declare, that "for acquitting themſelves of their "Oath, they will only proceed to the "exact Trial of the ſaid Parties, by "a Committee to be appointed and "authorized by the King and Par- "liament, in Reſpect of the preſent "Neceſſity of their Affairs; and "after Trial ſhall be taken of the "ſaid Perſons, and of the Crimes "whereof they are accuſed, the Par- "liament declares, that they will not "proceed to a final Sentence, nor "inſiſt upon the Puniſhment of thoſe "Perſons, but that they do for the "Reaſons foreſaid freely remit them "to His Majeſty (*a*).

But that this Proſecution might never poſſibly bring any Prejudice at any Time hereafter to the Earl of *Traquair*, His Majeſty was graciouſly pleaſed to ſign a Warrant for a Remiſſion to his Lordſhip to paſs the Great Seal in all Events: But tho' it bears the Title of a Remiſſion, it is really a very noble Approbation and Exoneration of all his Services in the ſeveral great Offices he had gone through, wherein his great Abilities, as well as his ſingular Integrity, are very fully ſet forth. I have ſeen the Writ itſelf; 'tis ſuperſcribed by the King, and docqueted by Sir *James Galloway*, who was afterward Lord *Dunkeld*, as Secretary (*b*): But there is great Ground to believe it was never offered to the Seals, nor do I think, as Things went, it would have paſſed; for the Animoſity was ſo great againſt the Earl, throughout the whole Courſe of the War, that in all the Indemnities that were to be granted, in order to a full Settlement, his Lordſhip is always particularly excepted from the Benefit of them (*c*). In the Article about the Incendiaries, it was a Part of the Concert with the King, that the Earl of *Traquair* ſhould not only never ſerve him in any publick Office, but that he ſhould be for ever deprived of his Seat in Parliament. So finding himſelf in a Manner out of all Capacity to ſerve His Majeſty in his own Country, he went to *England*, and in the Sequel of the War adhered to the King with great Fidelity. He remained at *Oxford* with his Majeſty while the Court ſettled there, and in the 1644, when the *Scots* Army was to march into *England*, under the Obligation of the *Solemn League and Covenant*, he was one of the few *Scots* Peers who ſigned a Remonſtrance, teſtifying their Abhorrence of that Conjunction of their Countrymen with the Parliament at *Weſtminſter* (*d*). After the ſinking of the Royal Cauſe he came Home to *Scotland*, and lived privately, or rather obſcurely, till the Year 1647, that by the Earl of *Lothian*'s Means, who was a leading Man of the other Party, he

(*a*) Reſcinded Acts of Parliament. (*b*) Charta penes Comitem de Traquair, 2d Annum 1644. (*c*) Mr. Rushworth's Collections. (*d*) Ibidem.

was admitted to his Seat in Parliament (*a*), where he endeavoured all he could to bring the Nation to a through Engagement to reſcue the King from his Impriſonment in the Iſle of *Wight*. When the Treaty there was ſet on Foot with the Parliament, the Earl of *Traquair* waited on His Majeſty, and being then much truſted (*b*), he was very inſtrumental in bringing the King to diſpatch the Buſineſs with all poſſible Haſte, and to grant all at firſt that he could bring himſelf to grant at the laſt. After that, the Earl, by his own Intereſt and Activity in the South, raiſed a Regiment of Horſe, and marched at the Head of them to the Engagement at *Preſton*, where he had the Misfortune to fall into the Enemies Hands. He was ſent under a ſtrong Guard to the Caſtle of *Warwick*, where he was kept Priſoner for about four Years; at Length *Cromwel* cauſed ſet him at Liberty, looking upon him, as a Perſon he thought could do them but little Harm. The Earl of *Traquair* being denuded of his Eſtate ſometime before this, he ſuffered afterwards ſuch a Reverſe of Fortune, that ſome I knew, and on whom I could well depend, have told me they ſaw him ſo low, that he wanted Bread before he died; and in that diſconſolate Condition of Life he languiſhed for five or ſix Years, till the Month of *September* 1659, upon a Sabbath betwixt Sermons all of a ſudden he fell into a Fit of an Appoplexy, of which he died in a few Hours, the Year before the King was reſtored. The Counteſs of *Traquair*, the Lord Treaſurer's Lady, was a Daughter of the firſt Earl of *Southesk*, Lady *Katharine Carnegy*. By her he had a Son *Charles*, who was his Succeſſor as Earl of *Traquair*, and ſeveral Daughters.

Lady *Margaret*, the eldeſt, was married to *James* the ſecond Earl of *Queensberry*; She was Mother to the firſt Duke of that Name,

Lady *Elizabeth*, the ſecond, to *Patrick* the firſt Lord *Elibank*,

Lady *Anne*, the third, to Sir *John Hamilton* of *Reidhouſe*; and the youngeſt,

Lady *Katharine*, to a Couſin of her own, *John Stewart* Eſq;

The Treaſury being turned into Commiſſion, as we have obſerved, upon the Removal of the Earl of *Traquair*, His Majeſty, with Conſent of Parliament, named the Earl of *London* the Lord Chancellor, the Marquis of *Argyle*, the Earl of *Glencairn*, the Lord *Lindſay*, and Sir *James Carmichael* Treaſurer Deputy, to be Lords of the Treaſury, by a ſpecial Act for that Effect the 17th of *November* 1641 (*c*), and they diſcharged the Office till the Year 1644, the Eſtates of Parliament made the Earl of *Crawfurd-Lindſay* Lord High Treaſurer.

John Earl of *Crawfurd* and *Lindſay*.

The Paternal Anceſtor of this noble Lord, who was the firſt of his Family that branched off the Houſe of *Crawfurd*, was Sir *William Lindſay* Son of Sir *David Lindſay* of *Crawfurd*: For this there is a Charter ſtill extant, granted by *David de Lindſay, Dominus de Crawfurd*, in the 1355, *Willielmo de Lindſay filio ſuo*, of the Lands of *Scotſtoun in Vic. de Peblis*. He had after that a Grant from Sir *Alexander Lindſay* of *Glenesk* his Brother, of the Lands of *Byres*, which is confirmed by King *David* the II. (*d*); from thence he took his Deſignation. Further to confirm this, I have ſeen another Charter in the 1383, by *Jacobus de Lindſay, Dominus de Crawfurd, filius & heres quondam Domini Jacobi de Lindſay Domini ejuſdem, Willielmo de Lindſay, Domino de Byres avunculo*

(*a*) Sir John Scot's ſtaggering State of the Scots Stateſmen, M. S. penes me. (*b*) Biſhop Burnet's Memoirs of the Dukes of Hamilton. (*c*) Reſcinded Acts of Parliament. (*d*) Charta in pub. Archivis.

culo ſuo, & Chriſtiane ſponſe ſue, de omnibus terris ſuis Baronie de Chamberland-newton in Vic. de Roxbrugh, & heredibus ſuis maſculis, quibus deficientibus, cariſſimo avunculo noſtro Alexandro de Lindſay, Domino de Glenesk, &c. This Sir *William* married *Chriſtian*, the Daughter and Heir of Sir *William More* Lord of *Abercorn*, by whom he had a fair Eſtate both in the *Lothians* and elſewhere, and upon that Account the Family of *Byres* carried the *three Molets*, the Arms of *More*, *in chief of the Fes-cheque*, till the Lord Treaſurer came to be Earl of *Crawford*. By the ſaid *Chriſtian* his Wife, he left a Son Sir *William* his Succeſſor, and *John de Lindſay*, who had a Grant from *Robert* Earl of *Strathern* of the Mains of *Kilbride*, which he confirmed after he came to the Crown *anno* 1383 (*a*). He was the Founder of the great Family of the *Lindſays* of *Dunrod* in *Renfrew* Shire. I can add nothing further to clear the Deſcent of this noble ancient Family, nor of their Alliances, and the Offices they have poſſeſt, but what is to be met with in the Article of Earl of *Crawford-Lindſay* in the Peerage of *Scotland* (*b*): So I ſhall repeat nothing that is ſaid there, but come directly to the immediate Parentage of the Earl of *Crawford-Lindſay* the Lord Treaſurer.

He was the Son and Heir of *Robert* Lord *Lindſay* of *Byres*, by the Lady *Chriſtian Hamilton* his Wife, Daughter of *Thomas* the firſt Earl of *Haddington*. He was born about the Year 1596, and had a noble Education both in the Univerſity of St. *Andrews* at Home, and after that in Foreign Parts. He ſucceeded his Father in his Eſtate and Honour, juſt when he was of Age, *anno* 1616 (*c*), and ſoon thereafter he married the Lady *Margaret Hamilton*, a Daughter of the illuſtrious Houſe of *Hamilton*. The Lord *Lindſay*, being a young Nobleman of great Vertue, and of very good Parts, his Majeſty King *Charles* I. was pleaſed to raiſe him to be Earl of *Lindſay*, by a Warrant under his Royal Hand, dated the 5th of *May* 1633 (*d*): But the Parliament being to ſit quickly thereafter, the Warrant was not given out, till the Court, it ſeems, ſhould ſee that his Lordſhip had teſtified by his Behaviour, that he merited that Honour, in voting for ſuch Acts as the King ſhewed a more than ordinary Keenneſs ſhould paſs the Houſe. But this intended Honour was not of Force enough to gain him over to the Meaſures of the Court at this Time, or to induce him to go into any Thing that was againſt his Principles: For in the ſubſequent Seſſion of Parliament, which met at *Edinburgh* the 18th of *June* thereafter, the Lord *Lindſay* joined with the Earl of *Rotheſs*, the Lord *Balmerinoch*, and that Party who oppoſed the Act authorizing the King to preſcribe the Apparel of Churchmen, and the Habits in which the Divine Offices were to be performed, as a Part of the Prerogative; and tho' the Act paſſed, yet his Majeſty expreſſed a very high Diſpleaſure againſt all who had concurred in that Oppoſition; and upon that the Lord *Lindſay*'s Warrant for his Patent was kept up, and did not paſs the Seals, and this was thought to be done becauſe of his Vote in Parliament.

The Lord *Lindſay* continued firm to the Party, and when the Country formed the firſt Oppoſition, and proteſted againſt the King's Proclamation for bringing in of a Liturgy, and a Conformity in Matters of Religion with *England*, which was then intended, his Lordſhip and another Peer entered the firſt Proteſtation againſt theſe Proceedings, tho' without Doubt that Matter in the Event went further than was intended. This Appearance of Zeal for the Cauſe grafted him in the en-

(*a*) Chron. in pub. Archivis. (*b*) Page 85. (*c*) Retour of John Lord Lindſay to Robert Lord Lindſay his Father in the Records of the Chancery-Office at Edinburgh. (*d*) The Regiſters of the Great Seal.

tire Confidence of the Presbyterians, no Man they looking upon more to be their own, or in whom they had a greater Confidence (*a*). The King having after this ſecured the Religion and Liberties of his Subjects of *Scotland*, by the Sanction of a new Law, *anno* 1641, he thought fit alſo, for giving the fuller Content, to gratifie ſome of the chief Covenanters, and among others the Lord *Lindſay* got his Title of Earl of *Lindſay* allowed, conform to the Warrant of his Patent in the 1633, as hath been ſaid, and was ranked in the Rolls accordingly; but this was not all the King did to gratifie the Earl of *Lindſay*, for at the ſame Time he made him one of the five Commiſſioners of the Treaſury (*b*), upon the Deprivation of the Earl of *Traquair*. In the Life of this noble Earl I have no Deſign to write the Hiſtory of the Civil War, which is ſo well and ſo fully done by others, tho' his Lordſhip was eminently concerned in many of the greateſt Tranſactions of thoſe Times, both at Home and in the Treaties betwixt the two Kingdoms, as may be ſeen in *Ruſhworth*'s Collections, and in the Earl of *Clarendon*'s Hiſtory: Only in a Word we may obſerve, that from the Beginning of the Troubles, till the Ruin of the King's Affairs, he was as far in the Confidence, and had as great Credit with the Presbyterian-Party, as any Nobleman whatſoever; and he was upon ſo many important Occaſions employed, that it may be ſaid he was one of thoſe who had the chief Conduct and Direction of Affairs (*c*). I will dwell no longer on this, but proceed to take Notice that the Commiſſion for the Treaſury, expiring in the Year 1644, the Eſtates of Parliament did make the Earl of *Lindſay* Lord High Treaſurer, by a ſpecial Act of their own, the 23d of *July* 1644 (*d*). In this ſame Seſſion of Parliament, the Earl of *Crawfurd* was forfeited for Treaſon againſt the Eſtates (*e*), and their have been an Entail of his Honours upon the Earl of *Lindſay*, he accordingly ſucceeded to that Title, and thereupon deſigns himſelf henceforth Earl of *Crawfurd-Lindſay* (*f*).

In the 1646, the Earl of *Crawfurd-Lindſay* was, with the Duke of *Hamilton* and the Earl of *Caſſils*, ſent by the Committee of Eſtates to *Newcaſtle*, to deal with His Majeſty for a ſpeedy Granting of the Propoſitions ſent him by the two Houſes at *Weſtminſter*, and from the Commiſſioners of the Parliament of *Scotland*, as Grounds of Peace. The Earl and his Colleagues diſcharged their Commiſſion very faithfully, and laid before the King all the Miſchiefs that would follow upon a Delay, and much more upon a Denial: But the King being inflexible in going into any Thing he judg'd contrary to his Honour or his Conſcience, the Negotiation had no Effect (*g*). The Earl of *Crawfurd* the Treaſurer was choſen Preſident of the Parliament 1647, wherein the Buſineſs came to be debated about the leaving the King to the Diſpoſal of the two Houſes in *England*: This he oppoſed all that was poſſible. As Preſident, it is true, he could not debate; but, as a learned Writer of Memoirs aſſures us, *as in the ſtating of the Vote he expreſſed much honeſt Zeal; ſo when it was carried in the Affirmative, he diſſented from it, and to him thoſe who had voted in the Negative did adhere* (*h*). The Lord Treaſurer went in with no leſs Zeal into the Deſign of engaging the Nation to relieve the King in the 1648 (*i*): But after the Defeat of Duke *Hamilton* at *Preſton*, that the Parliament condemned the Engagement, and all thoſe who had concurred in it, the Earl of *Crawfurd-Lindſay* among others was by the Act of Claſſes, not only deprived of his Office (*k*), but alſo

(*a*) Biſhop Burnet's Memoirs of the Dukes of Hamilton, and Ruſhworth's Collections. (*b*) Reſcinded Acts of Parliament. (*c*) Ruſhworth's Collections, Clarendon's Hiſtory, &c. (*d*) Ibid. (*e*) Ibid. (*f*) Ibid. (*g*) Records of the Committee of Eſtates. (*h*) Dr. Burnet's Memoirs of the Dukes of Hamilton. (*i*) Ibidem, Page 311. (*k*) In the reſcinded Acts there is a Decreet of Parliament againſt the Earl of Crawfurd-Lindſay principal Treaſurer, the 13th of February 1649.

alſo of his Seat in Parliament, from which he was excluded till after the King came over from *Breda*, that there was a Sort of Union and Reconciliation of Parties, that they might the more effectually advance His Majeſty's Service, which they all then ſeem'd to have very much at Heart. When the Parliament 1651 had declared they would raiſe an Army to aſſiſt His Majeſty King *Charles* II. and to march with him into *England*, no Body appear'd more zealous or forward for that Deſign than the Earl of *Crawford-Lindſay*. His Lordſhip was a Member of the Committee that were to ſit in *Forfar* Shire for the forwarding of the Levies in thoſe Parts: But while they were buſied at this Work, they were all unexpectedly ſurpriſed by a ſtrong Party of the *Engliſh* Horſe, detached from the Garriſon of *Dundee*, at a Place called *Eliot*, on the 28th of *Auguſt* 1651 (*a*); beſides the Earl of *Crawford*, there was taken here old General *Leſly* the Earl of *Leven*, the Earl *Marißal*, the Lord *Bargany*, Sir *James Lockhart* Lord *Lee*, Sir *Adam Hepburn* Lord *Humbie*, Sir *James Foulis* of *Collingtoun*, *Robert Nairn* of *Strathord*. From *Eliot* they were brought to *Dundee*, and put aboard ſome *Engliſh* Veſſels that were lying there to be tranſported to *London*. When they arrived there, the Earl of *Crawford* and ſome of the reſt of his Fellow-priſoners were ſent firſt to the Tower, and then to *Windſor*-Caſtle, where he endured a long and tedious Impriſonment of nine Years, till *March* 1660, that General *Monk* having reſtored the ſecluded Members of the long Parliament, they, by their Authority, releaſed his Lordſhip, the Earl of *Lauderdale*, and the Lord *Sinclair* (*b*), who had been all Fellow-priſoners. Upon the Reſtoration of the King, the Earl of *Crawford-Lindſay*, having the Merit of a long Impriſonment to recommend him, this was thought at leaſt a good Title of maintaining him in the Poſt he had before of being Lord Treaſurer: So, as ſoon as the Miniſtry was ſettled, he was continued in the Treaſury. In the Preamble of his new Commiſſion, His Majeſty calling to Mind, as he is pleaſed to ſay himſelf, *Multis præclaris officiis dilectiſſimi & fideliſſimi noſtri conſanguinei & conſiliarii, Joannis Comtis de Crawfurd & Lindſay, dominus Struthers & Parbroath, & majores ſui, cariſſimum noſtrum patrem eternæ memoriæ, & illuſtriſſimos noſtros predeceſſores ſibi ipſis tempore retroactis devinxerant; quodque idem noſter conſanguineus, prefato noſtro illuſtriſſimo patre, cujuſquidem tunc temporis theſurarius fuit, multa neceſſaria ſuppeditaverit: & eo quidem tempore reditus & proventibus regni ſui Angliæ, vi majore & exercitus tunc prevalentibus impetu detinebantur & abſtrahibantur. Ac memoria tenentes, quam gravia damna dictus comes, ob fidem ſuam & conſtantem amorem in noſtro ſervitio promovendo, omnibus occaſionibus ſibi datis, non ita pridem perpeſſus ſit, uſque adeo ut ſemetipſum in extremam neceſſitatem & periculum adduxerit, cumque multis & magnis teſtimoniis compertum, habemus in prudentiam & integritatem dicti comitis, in præfato officio tanto fiduciæ obeundo*, &c. and therefore His Majeſty conſtitutes and creates his Lordſhip ſole Treaſurer for Life. His Gift bears Date at *Whitehall* the 19th of *January* 1661 (*c*).

The Lord Treaſurer ſoon after this came down, and was preſent in the firſt Seſſion of *Middleton*'s Parliament, where he ſtrenuouſly oppoſed the Act Reſciſſory, as it is called, annulling all the Parliaments ſince the 1633, upon the Pretence of the Force and Violence the Sovereign was under all the while. Upon this Point the Earl of *Crawford-Lindſay* argued long, eſpecially with Reſpect to the Parliament 1641: That Parliament, he ſaid, was legally

(*a*) Mercurius Scoticus. (*b*) Whitlock's Memorials, and other Hiſtorians of that Time. (*c*) Charta in publicis Archivis.

ſummoned, the King came thither in Perſon with his ordinary Attendance, and without the Appearance of any Force: If any Acts then paſſed needed to be reviewed, that might be well done: But to annul a Parliament was a terrible Precedent, which deſtroyed the whole Security of Government: Another Parliament might annul the preſent Parliament, as well as that which was now propoſed to be done: So no Stop could be made, nor any Security laid down for fixing Things for the future: The Parliament in the Year 1648, he urged, proceeded upon Inſtructions under the King's own Hand, which was all that could be had, conſidering his Impriſonment: They had declared for the King, and raiſed an Army for his Preſervation (*a*). But notwithſtanding all this Oppoſition, the Act was carried by a great Majority. After this Seſſion of Parliament was brought to a Concluſion the Earl of *Crawfurd* went up to Court, where there fell in ſome Differences between him and the Earl of *Middleton*, who at that Time mov'd, that the Exciſe the Parliament had granted for the paying of the Forces that were now levying, might be raiſed by Collectors named by himſelf as General, that ſo he might not depend on the Treaſury. The Earl of *Crawfurd* oppoſed this with great Advantage, ſince, ſaid he, all Revenues given the King did, by the Courſe of Law, come into the Treaſury, and *Scotland* was not in a Condition to maintain two Treaſurers: As to what was ſaid of the Neceſſity of having the Pay of the Army well aſcertained and ever ready, otherwiſe it would become a Grievance to the Kingdom; he ſaid the King was Maſter, and what Orders ſoever he thought fit to ſend to the Treaſury, they ſhould be moſt punctually obeyed. He further urged, that no ſuch Demand was ever pretended to by any General, unleſs by ſuch as ſet up to be independent, and who hoped, by that Means, to make themſelves Maſters of the Army. So the Lord Treaſurer carried the Point, which was thought a great Victory (*b*), conſidering how the Lord *Middleton* was then ſupported.

THE next Thing of Importance that was thought on with Relation to *Scots* Affairs, was whether Epiſcopacy was to be reſtored or not; this the King propoſed in a *Scots* Council at *Whitehall*: The Earl of *Middleton* and his Party preſſed the Change with great Zeal; ſome others were for delaying the making any ſuch Change till the King ſhould be better ſatisfied of the Inclinations of the Nation: But the Earl of *Crawfurd*, the Lord Treaſurer, being really a Presbyterian, alone ſtuck firm to it, and declared himſelf againſt Biſhops. He aſſured the King, that the National Prejudices againſt Epiſcopacy were ſtill very ſtrong, that by the ſetting up of that Form of Government he might come to loſe the Affections of the Nation, and have ſuch Effects as might very much perplex, if not diſorder all his Affairs, as the engaging in that Deſign had viſibly done both in his Father and Grandfather's Time. This was all the Oppoſition that was made to it at the Council Board: So the Court being bent upon the Change, in the Reſult of the Debate the Thing was reſolved on, and Epiſcopacy was ſet up. Altho' the Earl of *Middleton* puſhed extreamly at the Earl of *Crawfurd* to get him removed from his Poſt, which he had a Mind to be himſelf, yet he ſtood his Ground with the King, who could not well but have a Value and Eſteem for his Lordſhip, who had done and ſuffered ſo much for his Majeſty; So he continued Lord Treaſurer till the Year 1663, that ſcrup'ling to take the *Declaration*, as what was thought a vertual renuncing of the Covenant, which all in any Office of Truſt was obliged to, he reſigned the white Staff, which

(*a*) Biſhop Burnet's Hiſtory of his own Times. (*b*) Ibidem.

which was immediately put into the Hands of the Earl of *Rothess* his Son-in-law.

AFTER this the Earl of *Crawfurd* retired from Business, and lived mostly at his Seat in the Country, and was held in great Esteem by all Parties, as he well deserved; for he was a Man of great Vertue, and very good Parts, and of an Examplary Life in all Respects. He died at his Daughter the Countess of *Haddington*'s House at *Tinninghame* in the Year 1676, as I have been informed from some who knew his Lordship: Tho' I could find no Voucher on Record to fix the precise Day, yet I judge the Date of the Year will be exact enough, from several different Informations I have had all concurring in the same Thing: So he has been about Eighty Years of Age at his Death.

THE Earl of *Crawfurd-Lindsay*, the Lord Treasurer, was but only once married, *viz.* to the Lady *Margaret Hamilton* eldest Daughter of *James* Marquis of *Hamilton*. By this Lady he had two Sons, and four Daughters; *William* his Successor, the next Earl of *Crawfurd*, Mr. *Patrick Lindsay* of *Kilbirney*, a Gentleman of great Parts, but of far greater Vertues, as I have been informed from some who knew him very particularly. He married *Margaret* Daughter and Heir of Sir *John Crawfurd* of *Kilbirney*. His Son *John Crawfurd* of *Kilbirney* came to be raised to the Title of Viscount of *Garnock*. The Lord Treasurer's eldest Daughter the Lady *Anne* was married to *John* Earl and thereafter Duke of *Rothes*, Lady *Christian*, the second, to *Thomas* the third Earl of *Haddington*, Lady *Helen*, the third, to Sir *Robert Sinclair* of *Stevenson* Baronet, and Lady *Elizabeth*, the fourth, to *David* the third Earl of *Ethie* and *Northesk*.

UPON the Surrender of the white Staff, as hath been said, by the Earl of *Crawfurd*, the Earl of *Rothes* was made Treasurer. In that Office his Lordship continued for about four Years, till the 1667 he was preferred to be Chancellor, and the Treasury was put into Commission. The Lord Chancellor himself was the first in the Commission; His Colleagues were the Earls of *Lauderdale*, *Tweddale* and *Kincardine*, the Lord *Cochran*, after that Earl of *Dundonald*, and Sir *Robert Murray* the Lord Justice Clerk. After this there were some Changes in the Commissioners of the Treasury, tho' it was still continued in Commission till the Year 1682, the Marquis of *Queensberry* was made Lord High Treasurer.

William Duke of *Queensberry*.

HIS Grace the Duke of *Queensberry* was the eldest Son of *James* the second Earl of *Queensberry*, by the Lady *Margaret Stewart* his Wife, Daughter of *John* the first Earl of *Traquair* who was Lord Treasurer. He was born in the Year 1637 (*a*). His Education, as I have been told, was much neglected by reason of the War, nor had he the Advantage of travelling Abroad; but being a Man of very good natural Parts, and of a clear Judgment, when he came to engage in publick Business, he made a good Figure, and managed Affairs with great Dexterity and Address. Upon the Death of his Father, when he came to the Fortune, it was much impaired, what thro' the Calamities of the War, what thro' the great Fine of 72000 Merks *Scots* that was laid on his Family by *Cromwell* (*b*), which he not only retrived, but by his great Management raised it up again vastly to what it was before. After he had compassed that, he came to be a more considerable Man, but tho' he had been of the Council a long while before, yet he was not in the Ministry. But now, as I have been informed, by the Earl of *Rothes* the Lord Chancellor's Means, he was

(*a*) Memorial of the first Duke of Queensberry by the learned and accurate, Antiquary Mr. David Simpson late Historiographer for Scotland. (*b*) Ibidem, and Cromwell's Acts of Parliament.

made Juſtice-general (*a*) in place of the Lord *Tarbat*, who upon that was made Lord Regiſter. But before the Earl had been full two Years in that Office, His Majeſty, King *Charles* II. was graciouſly pleaſed to raiſe him to be Marquis of *Queensberry*, Earl of *Drumlenrig* and *Sanquhar*, Viſcount of *Nith*, *Torthorald* and *Roſs*, Lord *Douglaſs* of *Kinmonth*, *Middlebie* and *Dornock*, by Letters Patent, bearing Date at *Whitehall* on the 11th of *February* 1682 (*b*); and being now in high Favour, in *April* thereafter, by a Warrant under the King's Royal Hand, directed to Sir *Alexander Erskine* Lyon King at Arms, the Lyon is authorized to give the Marquis of *Queensberry* and his Heirs for ever, the *Double Treaſſure* in the ſame Manner as it is in the Royal Atchievment (*c*). Upon a Change in the Miniſtry, ſoon after this, his Lordſhip was declared Lord High Treaſurer (*d*), the Office not having been in a ſingle Perſon for about fifteen Years before, and the Earl of *Perth* was made Juſtice-general in his Room. Quickly after this, by two other Commiſſions dated on the 21ſt of *September* following, his Lordſhip was made Conſtable and Governor of *Edinburgh* Caſtle, and one of the extraordinary Lords of the Seſſion; and finally, that no Honours might be wanting to him, which his Majeſty could confer, he was by Letters Patent dated at *Whitehall* the 3d of *February* 1684, created Duke of *Queensberry*, Marquis of *Dumfreiſs-ſhire*, Earl of *Drumlenrig* and *Sanquhar*, Viſcount of *Nith*, *Torthorald* and *Roſs*, Lord *Douglaſs* of *Kinmonth*, *Middlebie* and *Dornock*, about which Time his Grace was admitted one of the Lords of the Privy-Council of both Kingdoms, and continued in a high Degree of Confidence and Favour all the reſt of King *Charles*'s Reign.

Upon the Acceſſion of King *James* VII. to the Crown, the Duke of *Queensberry* was continued in the Treaſurer's Poſt which he had before, and had as great, if not a greater Meaſure of Truſt and Confidence with the new King than he had with the former Sovereign. Immediately after this he went up to Court to pay his Duty to the King, where he was well received, and being admitted to a private Audience, his Grace took the Freedom to tell his Majeſty, *That if he had any Thoughts of changing the eſtabliſhed Religion, he could not make any one Step with him in that Matter, but would however take Care to live as became a loyal and dutiful Subject* (*e*). *The King*, ſays my Author, *ſeemed to receive this very kindly from the Duke, and aſſured him that he had no ſuch Intention, but that he would have a Parliament called, to which he ſhould go his Commiſſioner, and give all poſſible Aſſurances in the Matter of Religion.* Upon this the Duke was ſo fully ſatisfied with the King's Promiſes, that he both thought and ſaid all would be ſafe. His Inſtructions being quickly prepared, by which both the Revenue and the King's Authority were to be carried very high, he came down to hold the Parliament, which was to ſit the 28th of *April* 1685.

The Parliament met at the Day appointed. After the Duke's Commiſſion of High-Commiſſioner was read, as alſo his Majeſty's Letter, his Grace made a Speech to this Effect: 'That the King's 'ſending ſo ſoon to them for their 'Advice, was an evident Token not 'only of the great Confidence he 'had in their Loyalty, and their 'good Example to his other Domi-'nions, but alſo a Proof of his 'Intention to follow the Example of 'his Brother's great and peaceable 'Reign.

(*a*) Charta penes ducem de Queensberry; this Commiſſion bears Date at Windſor the firſt of June 1680. (*b*) Ibidem; the Patent is alſo recorded in the Regiſters of the Chancery at Edinburgh. (*c*) Mr. Simpſon's Memorial of William the firſt Duke of Queensberry, formerly cited in my Hands. (*d*) The Marquiſs's Commiſſion, which I have ſeen in the Duke of Queensberry's Charter-cheſt, to be ſole Treaſurer, bears Date the 12th of May 1682. (*e*) Biſhop Burnet's Hiſtory of his own Times.

'Reign.' '*Secondly*, He gave them 'Aſſurances of his princely Reſolu-'tions to maintain and protect the '*Government of the Church as by Law eſtabliſhed*, and alſo that he 'would take Care of the Perſons and 'Concerns of the regular Clergy; and 'that he would maintain their Rights 'and Properties, according to the 'eſtabliſhed Law of the Kingdom, 'and that they ſhould not be injur-'ed by any arbitrary Oppreſſions of 'Soldiers or others; that he would 'condeſcend as much in the Buſineſs 'of the *Exciſe* and *Militia* as could 'be juſtly expected: And on the o-'ther Side his Majeſty expected from 'them to aſſert the Rights and Pre-'rogatives of the Crown, and to e-'ſtabliſh the Revenues as amply up-'on him, and his lawful Succeſſors, 'as it was enjoyed by his royal Bro-'ther. *In the laſt Place*, He deſir-'ed that effectual Means might be 'fallen upon, for deſtroying that deſ-'perate phanatical and irreclaimable 'Party, who had brought them to 'the Brink of Ruin and Diſgrace, 'and were no more Rebels againſt 'the King, than Enemies of Man-'kind, Wretches of ſuch monſtr-'rous Principles and Practices, as paſt 'Ages never heard, nor thoſe to 'come will hardly believe, &c.

THE Parliament being very unanimous, they proceeded to the making ſuch Acts as they thought would be moſt agreeable to his Majeſty: And firſt they paſſed an Act, wherein the King was declared, *To aſſent with his Eſtates in Parliament, convened to ratify and confirm all Acts and Statutes formerly paſſed, for the Security, Liberty, and Freedom of the true Church of God, and the Proteſtant Religion at preſent profeſſed within the Kingdom, in their whole Strength and Tenor*, as if they were particularly ſet down and expreſſed in the ſaid Act. By a ſecond Act, *They annexed and united the Exciſe of Foreign and Inland Commodities to the Crown of* Scotland *for ever*. By a third they ordained, *That all ſuch Perſons, as being cited in caſe of High Treaſon, Field or Houſe-conventicles, or Church-irregularities, ſhould refuſe to give Teſtimony, ſhould be liable to be puniſhed, as guilty of thoſe Crimes reſpectively, in which they refuſed to be Witneſſes.* Then they paſſed an Act making, *A dutiful Offer to the King of Two hundred and ſixty thouſand Pounds yearly during his Majeſty's Life*: And likewiſe another declaring, *That the giving or taking the National Covenant, as explained in the Year* 1638, *or the League and Covenant, commonly ſo called, or writing in Defence thereof, or owning of them as lawful or obligatory on themſelves, or others, ſhould incur the Crime and Pains of Treaſon.* The learned Biſhop *Burnet*, ſpeaking of the Acts that were paſſed by the Duke of *Queensberry* in this Parliament, is of Opinion, that his Grace hoped, *That what he had done in raiſing the Prerogative and in ſetting up an abſolute and deſpotick Form of Government, would have effectually recommended himſelf to King* James; *yet*, ſays he, *he ſoon found afterward he had deceived himſelf, in thinking that any Thing but the delivering up of his Religion could be acceptable long. And he ſaw after he had prepared a cruel Scheme of Government, other Men were truſted with the Management of it: And it had almoſt proved fatal to himſelf.*

NOT long after this, ſome Differences fell in betwixt his Grace the Lord Treaſurer, and the Earl of *Perth* the Lord Chancellor, which ſoon grew to that Height, that both were called up to Court to give an Account of it. At firſt, we are told, the King was ſo well ſatisfied with the Treaſurer's Adminiſtration, and the Chancellor's Objections againſt him were ſo ſlight, that it was reſolved once to ſupport the Duke, and if the Chancellor could not be brought to an Accommodation to diſmiſs him from the King's Service. But the Chancellor having at this Time changed his Religion, it was

thought fit to encourage such Converts; so both were ordered to go down to *Scotland*, his Majesty declaring he would signify his Pleasure to them when they should be there. It followed them down very quickly; for the Chancellor, getting the Ascendent of the Treasurer, upon the changing of his Religion, in the King's Affections, as hath been said, the Duke of *Queensberry* was turned out of the Treasury, and it was put in Commission. However, that the Duke, it seems, might not be too much irritated at once, he was put first in the Commission of the Treasury, and made President of the Privy-Council: But in less than six Months thereafter, because he would not be active in taking off the penal Laws and Test in the next Session of Parliament, he was not only removed from all his Employments, but a Design was laid to ruin him. A learned Author (*a*) tells us, 'That all 'Persons were encouraged to bring 'Accusations against him, either with 'Relation to the Administration of 'the Government, or of the Treasu-'ry; and if any colourable Matter 'could have been found against him, 'he adds, it was resolved to have 'made him a Sacrifice.'

THIS sudden Change, after so long and so entire a Confidence, was imputed to the Suggestions his Enemies had made of his Zeal against Popery, and of his having engaged all his Friends to stick firm in Opposition to it. It was further urged against him, that there was no Need of making such Promises, as he had engaged the King to make to the Parliament of *Scotland*: No Body desired or expected them, he only drove that Matter on his own Account: The Duke however had Friends at Court, who were then in a high Confidence, who pacified the King, and laid the Storm that was raised against him. During the Remainder of the Reign of King *James*, tho' his Grace took Care to live with that Caution and Circumspection that was necessary; yet we are told by a noble Writer of Memoirs (*b*), who was then much in the Secret of Things, *That the Duke of* Queensberry *was at the Time of the Revolution sincerely in the Interest of King* James, *and did his Party all the Service that was possible.*

AFTER King *James* left *England*, his Grace, with divers others of the *Scots* Nobility and Gentry, in a Body waited on the Prince of *Orange* at St. *James*'s, addressing his Highness, that he would take the Administration of Affairs into his Hands, and call a Convention of the Estates to settle the State of the Nation. His Grace came down, and sat in the Convention, but was not present, nor did he vote in the Act declaring the Vacancy of the Throne; but that being carried by a great Majority, his Grace came back to the Meeting, and voted for the humble Offer of the Crown to the Prince and Princess of *Orange*, and made a Speech, wherein he told the House, *That tho' he was not fully convinced of their Right in declaring the Throne vacant, yet since it was done, he acquiesced, and now deserved it so well as the Prince and Princess of* Orange, and thereupon went with the rest of the Nobility to the Cross of *Edinburgh*, when the Prince and Princess were proclaimed King and Queen of *Scotland* (*c*), as they had been of *England* before. After the Revolution, his Grace the Duke of *Queensberry* retired from all publick Employments, and after that most agreeably amused himself with building and beautifying a noble Palace he had begun before at *Drumlanrig* in *Dumfreis* Shire, the Capital Seat of his Family; it is a Square Building of fine free Stone, with a spacious Court in the Middle, and a Turret and great Stone Stairs in each Corner: The Offices below are very noble, and the hanging Gardens cut out of the Rock down to the River *Nith*, with Water Works and

(*a*) Bishop Burnet's History of his own Times. the Revolution, by the Earl of - - - p. 79. (*b*) Account of the Affairs of Scotland relating to (*c*) Earl of B - - - - Memoirs, p. 83.

and Giottoos do every Way answer the great Genius of its noble Founder. He died at his own House in the *Canongate*, beside *Edinburgh*, the 28. of *March* 1695, in the 58th Year of his Age, and was very solemnly interred at the Parish Church of *Durisdeir*, in the Burial Place of his Family, where there is a noble Monument of Marble erected over him by the late Duke of *Queensberry* his Son.

THE Duke of *Queensberry* the Lord Treasurer was married to the Lady *Isabel Douglas*, Daughter of *William* first Marquis of *Douglas*, by whom he had *James* Duke of *Queensberry* and *Dover* his eldest Son; Lord *William Douglas* the second, to whom he gave a noble Estate in Patrimony: He was raised to the Honour of Earl of *March*; Lord *George* the third Son died unmarried at the Castle of *Sanquhar*, in *July* 1693; and one Daughter Lady *Anne*, who was married to *David* late Earl of *Weems*, and Mother to *James* the present Earl of *Weems*.

SINCE the 1686, that the Treasury was put in Commission upon the Removal of the Duke of *Queensberry*, as hath been said, we have had no Lord Treasurer really, but sometimes a nominal one. And here we are to observe, that when any of the Offices of State, who, by the Constitution have a Place in Parliament, are in Commission, the Crown has a Right to appoint one single Person to represent in Parliament the said Office, tho' they be neither Peers, nor elected as Commoners; so in vertue of this the Lord *Drumlanrig*, by the King's Letter, sat and voted in the Session of Parliament 1693, as Lord High-Treasurer of *Scotland*, when his Grace the Duke of *Hamilton* was Lord High-Commissioner; so did the Lord *Tester* in the Session 1695, when his Father the Marquis of *Tweeddale* was His Majesty's Commissioner: The Lord *Polworth*, the Earl of *Marchmont*'s Son, sat as Treasurer in the Parliament 1696, when his Father was Lord Commissioner. In the last Session of the Convention Parliament, *anno* 1702, the Lord *Montgomery*, now Earl of *Eglinton*, sat and voted, upon the Queen's Letter, as Lord Treasurer. Likeas, in the first Session of Queen *Anne*'s Parliament the Lord *Elcho*, the late Earl of *Weems*, while his Mother the Countess of *Weems* and *Cromarty* was alive, sat as Lord Treasurer. In the third Session of the same Parliament, *anno* 1705, Lord *Archibald Campbell*, Brother to the Duke of *Argyle*, the present Earl of *Ila*, before he was a Peer, sat and voted as Lord High-Treasurer, when his Grace the Duke his Brother did represent Her Majesty as Lord High-Commissioner. And now that I have gone thro' all that I knew relating to the Lives that I have written that could be instructive, or of any Use during the Period I fixed on, with that Regard to Truth that becomes an impartial Writer, I shall, without saying any more, break off here, and conclude the first Volume of this Work.

THE

APPENDIX,

Containing ſome Original

PAPERS

Relating to the

Foregoing LIVES.

FOLDOUT PLATES

Keyed to the

BUREAU

Combined Food Board

APPENDIX

TO

THE APPENDIX.

NUM. I.

Commiſſio Jacobi Comitis de Morton, de officio Summi Cancellarii Regni Scotiæ, in publicis Archivis.

MARIA, Dei Gratia, Regina Scotorum, omnibus probis hominibus ad quas preſentes litere pervenerint, ſalutem. Sciatis nos feciſſe, conſtituiſſe & ordinaſſe, ac tenore preſentium facimus, conſtituimus & ordinamus predilectum noſtrum conſanguineum & conſiliarium, Jacobem Comitem de Morton, Dominum de Dalkeith, &c. Regni noſtri Cancellarium, ac magni ſigilli noſtri cuſtodem, pro omnibus ſue vite diebus. Pro cujuſquidem officii uſu, & exercitatione, dedimus & conceſſimus eidem omnia feoda, privilegia, & devorias prefato officio pertinen. aut pertinere valen. Tenendum & habendum totum & integrum prefatum officium Cancellarii ac dicti noſtri magni ſigilli cuſtode, cum omnibus feodis, privilegiis & devoriis ejuſdem, prefato noſtro Conſanguineo & Conſiliario, Jacobi Comiti de Morton, pro omnibus ſue vite diebus, cum poteſtate eidem prefatum officium exercend. & utend. in omnibus, & per omnia, ſimili modo, & adeo libere, ſicuti aliqui Cancellarii idem officium perprius exercuerunt & uſi fuerunt. *Vobis*, &c. cum mandato in eiſdem, omnibus & ſingulis ligeis noſtris, quatenus prompte pareant, obediant, & intendant, prefato noſtro Conſanguineo & Conſiliario, ac Cancellario, dicti noſtri magni ſigilli cuſtodi, in omnibus & ſingulis dictum ſuum officium concernen. ſub omni pena, &c. Datum ſub noſtro ſignetto, apud Edinburgh, ſeptimo die menſis Januarii, anno Domini mileſſimo quingentiſſimo ſexageſimo ſecundo, & Regni noſtri vigeſſimo primo.

NUM. II.

Diploma Domini Georgii Gordon de Haddo Cancellarii Scotiæ, de titulo & dignitate Comitis de Aberdein, &c. in publicis Archivis.

CAROLUS, Dei Gratia, Magnæ Britanniæ, Franciæ & Hiberniæ Rex, fideique defenſor, omnibus probis hominibus ſuis, ad quos preſentes litere pervenerint, ſalutem. Quandoquidem nos, animo reputantes, fidiſſimum & dilectiſſimum noſtrum Conciliarium, Dominum Georgium Gordon de Haddo, ſummum noſtrum antiqui Regni noſtri Cancellarium, familiæ & gentis vere honorande perſonam gerere, & patrimonium vetuſtiſſimum in dicto regno, ſibi per plurima retro ſecula, a majoribus ſuis plurimis eximiis & nobilibus ejuſdem regni gentibus & familiis ſanguine & affinitate conjunctis, demiſſum hereditarie poſſidere. In memoriam pariter revocantes plurima eximia & intemeratæ fidei officia, diademati noſtro preſtita & peracta, per majores ejuſdem Domini Georgii Gordon, quibus *ſci.* progenitoribus noſtris belli, togeque in diverſis ſummæ fiduciæ muneribus & officiis inſervire ſuerat, honori quibuſquidem officiis, fideliter ſemper & ſtrenue functi ſunt, ſumma queque obſtacula & anguſtias, ipſos officia obeuntes, partibus noſtris, & coronæ firmiter adherentes, ſepiſſime comitantia, prorſus ſpernentes, adeo ut non interrupta ſucceſſionis ſerie, eum ne ſine familiari ſimul inconcuſſum & intaminatam, erga nos, regiosque noſtros progenitores fidelitatem & integritatem, ad heredes ſuos ac ſucceſſores tranſmiſerint: Noſque precipue, grato animo recordantes inſignem & memorabilem fidelitatem & integritatem patris poſtati Domini Georgii Gordon, cujus gratiora ſervitia, & perdura gravamina, quæ *ſci.* legitimæ noſtræ, & dilectiſſimi noſtri jura propugnando, & ſpeciatim patris noſtri carissimi jura & commoda vindicando perpeſſus eſt, tanquam durabile quoddam monumentum in liberis generiſque ſui honorem permanent. Ille enim ſigno militari regio ad fatalem illam & execrandam rebellionem, in utroque regno poſtea erumpentem, revertendam & ſupprimendam erecto, re ſua familiari, liberiſque ſuis illico poſthabitis (unde illi ſingulis miſeriis, anguſtiis & calamitatibus, quas implacabiles iſti & furioſi rebelles ipſis infligere valebant, obnoxi reddebantur) ad dictum regale vexillum ſtatim ſe contulit, dictoque noſtro patri, in extremo belli diſcrimine adverſus rebelles, in Anglia ſtrenue inſerviit, poſtmodum autem prefato noſtro patri (illius fidei conducti, & erga ſervitium ſuum amore plurimum inducti) viſum eſt eundem, ſub titulo loci-tenentis, ſub Georgio tum Marchione de Huntlie, in dictum regnum Scotiæ remittere, qui quidem ſecundum dicti noſtri patris mandata, utque ipſius commodum & ſervitium quantum in ſe eſſet promoveret, dictum officium alacriter ſuſcepit, idemque ſtrenue & fideliter exolvit, inter primos quippe in dicto antiquo regno noſtro, ad jura coronæ propugnanda, & rebelles ſuppremendos, armis inſignis apparuit, quorum quidem rebellium copiis indies adductis in eorum poteſtatem captivus, tandem devenit, & ab iis nonnullis menſibus in arcta cuſtodia detentus, tandem (omnibus regni legibus & privilegiis inter homines, jure gentium, ſacris violatis & penitus infractis & everſus) per ſententiam ſcheleratiſſime rebellium colluviæ damnatus, & ab iis pariter vita & re familiari exutus, & barbare tandem nefa-

ric

rie & inhumaniter ſuper theatro publico trucidatus & obtruncatus, adeo ut pro nobis & diademate noſtro martyrium ſubiiſſe meritiſſime dicatur: Ipſi autem execrandi rebelles injuſtitiæ & illegalitatis proceſſus ſui adverſus illum adeo erunt conſcii, ut poſtquam ipſum in judicio ſtitiſſent (regia uſurpata authoritate) ſpecioſo & fucato quoddam edicto, omnia ab illo in prefati noſtri patris mandatorum obſequium ſueque fidei ligiæ & integritatis tefferam preſtita & peracta, perduelionis crimen omni tempore futuro equipollere, exinde ſummam fidelitatem & ſubditorum fidem ligiam pro ſcheletatiſſimo criminum mundo obtrudentes, declaraverint. Noſque pariter, haud minus cenſentes prefatum noſtrum fidiſſimum & dilectiſſimum Conſiliarium, Dominum Georgium Gordon de Haddo ſummum Cancellarium antedictum, majorum ſuorum fide & dignitate memorabilium veſtigia preſſiſſe, & parata, firma, & indomita rebus noſtris adhæſione eorum exemplar inſectaſſe; cumque nobis dilucide conſtet de ſplendidis ejuſdem animi dotibus & facultatibus (quorum plurima inſignia & indubitata edidit teſtimonia) quæ ipſum tanquam maxime fiduciæ munerum & officiorum intradict. regnum noſtrum capacem, & dignum nobis exhibuerunt, ut pro regni unius ex noſtri ſecreti concilii Dominis, deinde unius ex ſenatoribus Collegii noſtri juſtitiæ, poſtea ejuſdem collegii Preſidis, & nunc demum ſummi noſtri ejuſdem antiqui regni Cancellarii, ſumma integritate & zello fidem inclite exſolvit: In quibus omnibus obeundis ſeſe tanta prudentia, moderatione, æquitate & juſtitia (commoda & jura noſtra precipue reſpiciens) ex animi noſtri ſententia gerebat, adeo ut a nobis, noſtriſque ſubditis merito fuit approbatus: Cumque honori & juſtitiæ noſtri apprime convenire videatur, ut tam inſignia ſervitia fidelitatem & gravamina, per prefatum fideliſſimum & dilectiſſimum noſtrum Conſiliarium, ſuoſque majores totius repetita & manifeſtata, ſuaſque etiam ſplendidas animi dotes in commodo & ſervitio noſtro promovendis, indefeſſum occupatas, debite & grate eſtimemus & agnoſcamus: Noſque pariter rationibus quibus ſupra commoti in que juſtiſſime noſtre eorundem ſervitiorum eſtimationis ſignum & indicium, utque quanti illum habeamus, notum ſit, durabilem quoddam & inſignem Regalis noſtri favoris tefferam, in illum ejuſque familiam & poſteros (ad ſublimiorem ſplendoris & dignitatis gradum evehendos) conferre apud nos, benigne ſtatuentes, ut animus ipſis addatur, quo poſt hac in fidelitate ſua, & officiis erga nos, regioſque noſtros ſucceſſores firmiter perſiſtant; atque validiores reddantur ad quevis munera & officia, quæ ipſis dehinc in noſtro ſervitio committentur, obeunda: Sciatis igitur, nos intelligentes omnes honoris & dignitatis titulos a diademate, intra dominia noſtra, a diademate noſtro regali, tanquam a primo fonte, in ſubditos noſtros de nobis bene meritos, unice promanare, *nominaſſe, feciſſe, conſtituiſſe & creaſſe*, ſicuti nos per preſentes nominamus, facimus, conſtituimus, & creamus memoratum fideliſſimum & dilectiſſimum noſtrum Conſiliarium, Dominum Georgium Gordon de Haddo, Comitem, Vicecomitem, & liberum parliamenti Dominum, Comitem de Aberdein, Vicecomitem de Formartine, & Dominum Haddo, Methlick, Tarves, & Kellie, deſignandum; & damus, concedimus & conferremus in dictum Dominum Georgium Gordon, & heredes maſculos ex ſuo corpore, predictum titulum, honorem, gradum & dignitatem Comitis, Vicecomitis, & liberi parliamenti Domini, ut prefertur, cum poteſtate illi ſuiſque predictis, eodem titulo fruendi & gaudendi, cum omnibus & ſingulis prerogativis, preſedentiis, preeminentiis, privilegiis, libertatibus & immunitatibus quibuſcunque eo ſpectantibus, & pertinentibus quibuſquidem omnibus per preſentes prefatum Dominum Georgium Gordon inveſtimus, & nobilitamus, & precipue cum libero in parliamentis ſuffragio: Tenend. & habend. predictum titulum, honorem, gradum, & dignitatem Comitis, Vicecomitis, & liberi parliamenti Domini, cum omnibus prero-

gativis, preeminentiis, prefidentiis, privilegiis, libertatibus, immunitatibus, aliiſque quibuſcunque eo ſpectantibus, prefato Domino Georgio Gordon ejuſque predictis, de nobis & ſucceſſoribus noſtris, in omnibus parliamentis ordinum, conventibus generalibus, conciliis, aliiſque publicis & privatis ejuſdem regni congreſſibus quibuſcunque, tam plenarie ac libere, in omnibus reſpectibus & conditionibus, quam quicunque alius Comes, Vicecomes, ſeu liber parliamenti Dominus, tali titulo, honore & dignitate potitus & gaviſus eſt, ſeu quoquis tempore preterito, preſenti, ſeu futuro frui & gauderi poterit; per preſentes etiam mandamus Leoni Regis Armorum, & fratribus ſuis fecialibus, ut alia additamenta priori ejuſdem palludamento, qualia ipſe illique convenientia exiſtimabunt, prout in talibus conſuetum eſt, dent & preſcribent. Et denique declaramus, & ordinamus haſce literas noſtras patentes, ſub magno & ſecreto ſigillis noſtris debite expeditas, adeo validas & ſufficientes fore prefato Domino Georgio Gordon ejuſque predictis, pro fruitione dicti tituli, honoris, gradus & dignitatis Comitis, Vicecomitis, & liberi parliamenti Domini, cum omnibus privilegiis, aliiſque quibuſcunque eo ſpectantibus, eodem modo, adeoque plenarie & libere, ad omnia intenta & prepoſita, quam ſi ipſe ejuſque predicti in eiiſdem, cum omnibus ſolennitatibus, ritibus & ceremoniis, talibus caſibus antiquitus uſitatis, inveſtiti & inaugurati eſſent: Quo circa, pro nobis & ſucceſſoribus noſtris, nos tenore preſentium diſpenſamus in perpetuum. In cujus rei teſtimonium preſentibus magnum & ſecretum ſigilla noſtra appendi præcipimus, apud aulam noſtram de Whitehal, trigeſimo die menſis Novembris, anno Domini ſupra mileſimum ſexcenteſimum octogeſimum ſecundum, regnique noſtri anno trigeſimo quarto.

NUM. III.

Some ancient Writs relating to the *Culdees*, copied out of the Chartulary of the Priory of *St. Andrews*, now belonging to the Honourable Family of *Panmure*, *Folio* 50, 51 and 52.

SUB compendioſi ſermonis tractatu dignum duxi inquirendam ſummam luculento ſermone omnes redditus, tam prædiorum cum ſuis finibus & terminis, quam eccleſiarum & aliorum reddituum ex antiquis donationibus & collationibus Regum Scotie ad Eccleſiam Sancti Servani de inſula Lochlevine, ex antiquo jure ſpectantes redigere, ne ſupervacua queſtio & tumultuoſa diſceptatio aures regum & principum & pontificum temporis tractu inutiliter percellat. Et ea que in ſubſequentibus breviloquio tangemus, omnibus ambagibus abjectis & circumſcriptis veteris voluminis antiquo Scotorum idiomate conſcripti: Memoriali recordatione apud preſentes, & inexterminabili, & perpetuali inſinuatione declarat ſcriptura apud poſteros.

De

De Primo Rege qui dedit insulam Lochlevin.

RUDE filius Dergard, qui ultimus Regum Pictorum, secundum antiquas traditiones, fuisse recolitur, contulit insulam Lochlevine Deo omnipotenti & sancto Servano, & Keledeis Hermitis ibidem commorantibus & Deo servientibus, & servituris in illa insula: Et prefati Keledei dederunt locum cellule, Episcopo Sancti Andriæ sub tali forma, quod Episcopus exhiberet eis victum & vestitum, & ne ignoretur quis, contulit Episcopo locum ibi: Romanus Monachus & Abbas, vir admirande sanctitatis, primo concessit precario locum ibi Episcopo, sciz. Fothath filio Bren, qui nunc, & tunc per totam Scotiam fuit celebris, & satis commendabilis vite. Prefatus Episcopus dedit benedictionem suam plenarie omnibus his, qui observarent conventionem istam, & amicitiam initam inter Episcopum & Keledeos: Et versa vice, dedit maledictionem suam omnibus Episcopis qui infirmarent & revocarent prefatam conventionem.

Qualiter Mathbet filius Finlath & Gruoch dederunt sancto Servano Kyrkenes.

MATHBET filius Finlath contulit pro suffragiis orationum, & Gruoch filia Bodhe Rex & Regina Scotorum, Kyrkenes, Deo omnipotenti & Keledeis, prefate insule Lochlevin, cum suis finibus & terminis. Hi enim sunt fines & termini de Kyrkenes, & villule que dicitur Porthmokanne, de loco Moneloccodhan, usque ad amnem qui dicitur Levine. Et hoc in latitudine, sicut a publica strata, que ducit apud Hinhirkethyn usque ad saxum Hiberniensium, & hoc in longitudine; & dicitur saxum Hiberniensium, quia Malcolmus Rex filius Duncani concessit eis salinagium, quod Scotice dicitur Thonnane. Et venerunt Hibernienses ad Kyrkenes, ad domum cujusdam viri nomine Mochan, qui tunc fuit absens, & solummodo mulieres erant in domo, quas oppresserunt violenter Hibernienses, non tum sine rubore & verecundia. Rei etiam eventu ad aures prefati Mochan pervento, iter quam totius domi festinavit, & invenit ibi Hibernienses in eadem domo cum matre sua. Exhortatione etenim matris sue sepius facta, ut extra domum veniret, que nullatenus voluit, sed Hibernienses voluit protegere, & eis pacem dare, quos omnes prefatus vir, in ultionem tanti facinoris, ut oppressores mulierum & barbaros, & sacrilegos in medio flamme ignis, una cum matre sua viriliter combussit. Et ex hac causa dicitur locus ille saxum Hibernienssium.

De libertate Kyrkenes collata a Rege Mathbet filio Finlath & a Gruoch Regina.

CUM omni libertate collata fuit villa de Kyrkenes Deo omnipotenti & Keledeis, absque omni munere & onere, & exactione Regis & filii Regis, Vicecomitis & alicujus, & sine refectione pontis, & sine exercitu & venatione, sciz. pietatis intuitu & orationum suffragiis, fuit Deo omnipotenti collata.

De Collatione & Libertate de Petnemokane.

EDGARUS filius Malcolmi Rex Scotiæ contulit in elemosinam, Deo omnipotenti, & predictis Keledeis Petnemokane, cum omnibus libertatibus, sicut prenotatum est in capitulo precedenti.

De villa de Ballecriftyn & ejus libertate.

MALCOLMUS Rex & Margareta Regina Scotiæ contulerunt devote villam de Ballecriftin, Deo omnipotenti, & Keledeis de Loudleven, cum eadem libertate ut prius.

De libertatibus villarum de Kyrkenes, & de Pettenmokan.

DOVENALD filius Conchat Regis dedit omnimodam libertatem duabus villis, sciz. de Kyrkenes & de Petnenmokan, cum ceteris Regibus, sciz. Duncano Rege, Edgaro, & Alexandro & David fratribus eidem, & omnibus villis quascunque tunc habuerunt, vel postea habere potuerunt.

De donatione de Admore & ejus libertate.

ÆDELRADUS, vir venerande memorie, filius Malcolmi Regis Scotie Abbas de Dunkelden, & insuper Comes de Fyf, contulit Deo omnipotenti, & Sancto Servano, & Keledeis de insula Lochlevin, cum summa reverentia & honore, & omni libertate, & sine exactione & petitione cujusquam in mundo, Episcopi vel Regis, vel Comitis, Admore, cum suis rectis terminis & divisis. Et ipsa illa terra possessio fuit illi tradita a parentibus suis cum esset in juvenili etate, cum magna eorum affectione & amore illam optulit Deo, & Sancto Servano, & prefatis viris Deo servientibus, & ibidem servituris. Et istam collationem & dotationem primo factam confirmaverunt duo fratres Hedelradi, sciz. David & Alexander, in presentia multorum virorum fide dignorum, sciz. Constantini Comitis de Fyf, viri discretissimi, & Nesse & Cormac filii Macbeath, & Malnethte filii Beollani Sacerdotum de Abernythy, & Mallebride alterius Sacerdotis & Thuadhel, & Anguftini Sacerdotis Keledeorum, & Berbeath Rectoris Scolarum de Abyrnethyn, & coram cetibus totius Universitatis tunc de Abyrnethyn, ibidem degentibus, & coram Deo omnipotente & omnibus sanctis. Et ibi data est plenarie, & universaliter ab omnibus Sacerdotibus, Clericis & Laicis maledictio Dei omnipotentis, & Beatæ Mariæ Virginis, & omnium Sanctorum, ut Dominus Deus daret eum in exterminum & perditionem, & in omnes illos quicunque irritarent, & revocarent, & diminuerent elemosinam de Admore, omni populo respondente fiat. Amen.

De

De Donatione Eccleſie de Markinſh per Maldunum Epiſcopum.

MALDUNUS, Epiſcopus Sancti Andree, contulit Eccleſiam de Markinſh, cum tota terra honorifice & devote Deo & ſancto Servano, & Keledeis de inſula Louchleven, cum prefata libertate.

De Conceſſione Eccleſie de Sconyn per Tuadal Epiſcopum.

TUADAL, Epiſcopus Sancti Andree, contulit Eccleſiam de Sconyn, prefatis viris religioſis devote & integre, cum omni libertate & honore, pro ſuffragiis orationum.

De Eccleſia de Hurkyndorath.

MODATH filius Malmykel, vir piiſſime recordationis, Epiſcopus Sancti Andree, cujus vita & doctrina tota regio Scotorum feliciter eſt illuſtrata, contulit Deo & Sancto Servano, & Keledeis heremitis apud inſulam Lochleven, in ſcola virtutum ibidem degentibus devote & honorifice, cum prefatis libertatibus, Eccleſiam de Hurkenedorath. Iſte ſunt antique preſtationes & Canones, quas prefate Eccleſie ſolvebant antiquitus, *ſcil.* triginta panes decoctos, cum antiqua menſura farine ibi appoſita, triginta Caſeos quorum quilibet facit Chudreme, & octo male de Braſeo, & Derchede male, & Chedher male.

Perambulatio inter terras de Kyrkneſs & Lochors.

FORNAX & incendium totius iniquitatis, *ſciz.* Robertus Burgonenſis miles, graviminibus & injuriis prefatos viros Religioſos nequiter & calumpnioſe vexavit & fatigavit, volens preciſe fervore ſue rapacitatis & infrenate tyrannidis, ab eis auferre quartam partem de Kyrkenes. Conſilio inito a fratribus juxta ſimplicitatem ſuam acceſſerunt ad preſentiam regis Davidis, ſupplicantes ei, ut ſanctum judicium faceret inter eos & prefatum Robertum. Tandem Rex injuria motus, miſit nuncios ſuos per provinciam de Fyf & Forhrith: Et convocavit hominum multitudinem in unum locum, *ſcz.* Conſtantinum Comitem de Fyf, virum diſcretum & facundum, cum Satrapys & Satellitibus, & exercitu de Fyf; & Macbeath Thaynetum de Falkeland, & primicerios, & duces, & lumnarcas, exercitus Epiſcopi, & Soen ducem cum familia ſua. Et tunc temporis fuerunt duces exercitus Epiſcopi, Budadh & Slogadadh. Et hi omnes ſunt teſtes hujus altercationis & diſſentionis. Tandem fuit compromiſſum in tres viros legales & idoneos, *ſcilicet*, Conſtantinum Comitem de Fyf, magnum judicem in Scotia, & Dufgal filium Motche, qui fuit ſenex, ſanctus & venerabilis, & Meldoineth filium Machedach, judicem bonum & diſcretum. Sed iſte Dufgal primo pronunciavit ſententiam, pro Monachis idem Keledeis, & contra protervitatem & calumpniam Roberti Burgonenſis, & alii judices detulerunt Dufgal propter ſui ſenectutem & jurisperitiam, & ita fuit deciſum iſtud negotium ſententionaliter & per juramentum. Iſti ſunt clerici, qui juraverunt ſuper finibus ville de Kyrkenes, Duſtah Sacerdos & Abbas,

& Sarran filius Sodelne, & Eugenius Monachus, & Dovinalde nepos Leod, & Morrhehat vir venerande ſenectutis & Hibernienſis, & Cathan ſenex. Et ſic victus fuit predictus Robertus coram omnibus.

NUM. IV.

Charta Libertatum Eccleſiæ Glaſcuen. excerpta ex Chartularia Eccleſiæ metropolitanæ Glaſguenſis, quæ pertinebat clar. & doct. Alex. Bailie de Caſtlecarie.

OMNIBUS Chriſti fidelibus, preſens ſcriptum viſurus vel auditurus, Willielmus, miſeratione Divina Eccleſiæ Glaſcuenſis miniſter, ſalutem in Domino. Officii noſtri debitum remediis invigilat ſubditorum, inter quos Eccleſie noſtre Cathederalis miniſtros proſequimur favore ſpirituali, cui ſpirituali conjugio copulamur, & cujus miniſtri nobis tanquam membra capiti indiſſolubili caritate coherent. Attendentes igitur eccleſiam Sarisburienſem, inter ceteras Eccleſias Cathederales, libertatibus & conſuetudinibus approbatis, ornatam eiſdem Canonicis noſtris, libertates & conſuetudines dicte Eccleſie Sarisburienſis, de conſenſu capituli donamus, & concedimus, ſtatuentes de conſenſu ejuſdem capituli, ut libertates & conſuetudines prenominate Eccleſie in Eccleſia Glaſcuenſi, in perpetuum obſerventur. Datam apud Alencrumb, die ſancti Leonardi, anno Gratie mileſſimo ducenteſſimo quinquageſſimo octavo.

NUM. V.

Litera Comitum, Baronum, Libere-tenentium, ac totius Communitatis Regni Scotiæ, ad Papam. Anno Domini 1320, in publicis Archivis.

SANCTISSIMO Patri in Chriſto ac Domino, Domino Joanni, Divina Providentia Sacroſanctæ Romanæ & Univerſalis Eccleſiæ ſummo Pontifici, Filii ſui humiles & devoti, Duncanus Comes de Fyfe, Thomas Randulphi Comes Moraviæ, Dominus Manniæ, & Vallis Anandiæ, Patricius de Dumbar, Comes Marchiæ, Maliſius Comes de Strathern, Malcolmus Comes de Levenax, Willielmus Comes de Roſs, Magnus Comes Cathaniæ & Orcadiæ, & Willielmus Comes Sutherlandiæ, Walterus Seneſcallus Scotiæ, Willielmus de Soules Buttelarius Scotiæ, Jacobus Dominus de Dowglas, Rogerus de Moubray, David Dominus de Brechine, David de Grahame, Ingelarmus de Umfravile, Joannes de Menteith Cuſtos Comitatus de Menteith, Alexander Frazer, Gilbertus de Haia Conſtabularius Scotiæ, Robertus de Keith Mariſcallus Scotiæ, Henricus de Sanctoclaro, Joannes de Grahame, David de Lindeſey, Willielmus Oliphants, Patricius de Grahame, Joannes

Joannes de Fenton, Willielmus de Abernethie, David de Weyms, Willielmus de Monteſixo, Fergusius de Ardroſan, Euſtachius de Maxwell, Willielmus de Ramſay, Willielmus de Montealto, Alanus de Moravia, Dovenaldus Cambell, Joannes Camburn, Reginaldus le Chen, Alexander de Seton, Andreas de Leſcelyne, & Alexander de Straton, cæterique Barones & Libere-tenentes, ac tota Communitas Regni Scotiæ, omnimodam Reverentiam filialem, cum devotis pedum oſculis beatorum. Scimus ſanctiſſime Pater & Domine, & ex antiquorum Geſtis & Libris colligimus, quod inter cæteras Nationes egregias, noſtra ſciz. Scotorum Natio, multis Præconiis fuerit inſignita: Quæ de majori Scythia per mare Tirenum, & Columnas Herculis tranſiens, & in Hiſpania inter ferociſſimos, per multa temporum Curricula, reſidens, a nullis quantumcunque Barbaricis poterat alicubi ſubjugari; Indeque veniens, poſt mille & ducentos annos a tranſitu populi Iſraelitici, ſibi ſedes in Occidente quas nunc obtinet, expulſis Britonibus, & Pictis omnino deletis, licet per Norwegienſes, Danos,& Anglos ſæpius impugnata fuerit, multis ſibi Victoriis, & Laboribus quamplurimis adquiſivit; ipſaſque ab omni ſervitute liberas ut priſcorum teſtantur hiſtoriæ, ſemper tenuit. In quorum Regno, centum & treſdecem Reges de ipſorum Regali proſapia, nullo alienigena interveniente Regnaverunt. Quorum Nobilitates & merita, licet ex aliis non clarerent, ſatis tamen patenter effulgent, ex eo quod Rex Regum Dominus Jeſus Chriſtus, poſt Paſſionem & Reſurrectionem ſuam, ipſos in ultimis Terræ finibus conſtitutos, quaſi primos, ad ſuam Fidem Sanctiſſimam, convocavit: Nec eos, per quemlibet in dicta fide, confirmari voluit, ſed per ſuum primum Apoſtolum, quamvis Ordine ſecundum vel tertium, ſanctum Andream meritiſſimum beati Petri Germanum, quem ſemper ipſis præeſſe voluit ut Patronum. Hæc autem ſanctiſſimi Patres & Predeceſſores veſtri ſolicita mente penſantes, ipſum Regnum & Populum, ut beati Petri Germani peculium, multis favoribus & privilegiis quamplurimis muniverunt. Itaque Gens noſtra, ſub ipſorum protectione, libera hactenus deguit & quieta; donec ille Princeps Magnificus Rex Anglorum Edwardus, Pater iſtius qui nunc eſt, Regnum noſtrum Acephalum, Populumque nullius mali aut doli conſcium, nec Bellis aut inſultibus tunc aſſuetum, ſub amici & confœderati ſpecie, innumerabiliter infeſtavit: Cujus Injurias, Cædes & violentias, Prædationes, Incendia, Prelatorum Incarcerationes, Monaſteriorum Combuſtiones, Religioſorum Spoliationes, & Occiſiones, alia quoque Enormia, quæ in dicto populo exercuit, nulli parcens Ætati aut Sexui, Religioni aut Ordini, nullus ſcriberet, nec ad plenum intelligeret, niſi quem Experientia informaret. A quibus malis innumeris, ipſo juvante qui poſt vulnera medetur & ſanat, Liberati ſumus per ſereniſſimum Principem, Regem & Dominum noſtrum, Dominum Robertum, qui pro Populo & Hæreditate ſuis, de Manibus inimicorum liberandis, quaſi alter Maccabæus, aut Joſue Labores & Tædia, Inedias & Pericula, læto ſuſtinuit animo: Quem etiam Divina Diſpoſitio, & juxta Leges & Conſuetudines noſtras, quas uſque ad mortem ſuſtinere volumus, juris Succeſſio, & debitus noſtrorum Conſenſus & Aſſenſus, noſtrum fecerunt Principem atque Regem. Cui tanquam illi per quem ſalus in Populo facta eſt pro noſtra Libertate tuenda, tam Jure quam Meritis tenemur, & volumus in omnibus adhærere. Quem, ſi ab inceptis deſiſtet, Regi Anglorum aut Anglicis nos, aut Regnum noſtrum volens ſubjicere, tanquam inimicum noſtrum, & ſui noſtrique Juris Subverſorem ſtatim expellere niteremur; & alium Regem noſtrum, qui ad defenſionem noſtram ſufficiet, faciemus. Quia quamdiu Centum vivi remanſerint, nuncquam Anglorum dominio aliquatenus volumus ſubjugari. Non enim propter Gloriam, Divitias, aut Honores pugnamus, ſed propter Libertatem ſolummodo, quam nemo bonus niſi ſimul cum vita amittit. Hinc eſt, Reverende Pater ac

Domine, quod Sanctitatem veſtram, cum omni Præcum inſtantia, Genu flexis Cordibus exoramus; Quatenus ſincero corde, menteque pia recenſentes, quod apud eum cujus vices in terris geritis, non ſic pondus, & pondus, nec diſtinctio Judei & Græci, Scoti aut Anglici, tribulationes & anguſtias nobis & Eccleſiæ DEI illatas ab Anglicis, paternis oculis intuentes; Regem Anglorum, cui ſufficere debet quod poſſidet, cum olim Anglia ſeptem aut pluribus ſolebat ſufficere Regibus, monere & exhortari dignemini, ut nos Scotos in exili degentes Scotia ultra quam habitatio non eſt, nihilque niſi noſtrum cupientes in pace dimittat. Cui pro noſtra procurranda quiete quicquid poſſumus, ad ſtatum noſtrum reſpectu habito, hoc facere volumus cum effectu. Veſtra enim intereſt, Sancte Pater, hoc facere, qui Paganorum feritatem, Chriſtianorum culpis exigentibus, in Chriſtianos ſævientem aſpicitis, & Chriſtianorum terminos arctari indies: Quare ne quid veſtræ Sanctitatis memoriæ deroget, & ſi, quod abſit, Eccleſia in aliqua ſui parte veſtris temporibus patiatur Ecclipſin aut Scandalum, vos videritis. Exhortet igitur Chriſtianos principes, qui, non cauſam ut cauſam ponentes, ſe fingunt in ſubſidium Terræ ſanctæ, propter guerras quas habent cum proximis ire non poſſe: Cujus impedimenti cauſa eſt verior, quod, in minoribus proximis debellandis, utilitas propior & reſiſtentia debilior æſtimantur. Sic quam læto corde dictus Dominus Rex noſter, & nos, ſi Rex Anglorum nos in pace dimittet, illuc iremus; qui nihil ignoret ſatis novit: Quod Chriſti Vicario totique Chriſtianitati oſtendimus & teſtamur. Quibus ſi Sanctitas veſtra Anglorum relatibus nimis credula, fidem ſinceram non adhibat, aut ipſis in noſtram confuſionem favere non deſinat; corporum excidia, animarum exitia, & cætera quæ ſequuntur incommoda, quæ ipſi in nobis, & nos in ipſis fecerimus, vobis ab Altiſſimo credimus imputanda. Ex quo ſumus & erimus in his quæ tenemur, tanquam obedientiæ filii, vobis tanquam ipſius Vicario in omnibus complacere; ipſique tanquam ſummo Regi & Judici, cauſam noſtram tuendam committimus: Cogitatum noſtrum jactantes in ipſo, ſperanteſque finem, quod in nobis virtutem faciet, & ad nihilum rediget hoſtes noſtros. Serenitatem & Sanctitatem veſtram conſervet Altiſſimus Eccleſiæ ſuæ ſanctæ per tempora diuturna. Datum apud Monaſterium de Aberbrothock in Scotia, ſexto die Aprilis, Anno Gratiæ mileſimo trecenteſimo viceſimo, Anno vero Regni Regis noſtri ſupradicti, quintodecimo.

NUM. VI.

Erectio Prebendarum de Cambuſlang, Torbolton, Egilſham, Luſs, Kirkmacho, & Killearn, in Eccleſia Cathederali Glaſcuen. excerpta ex Chartulario Eccleſiæ metropolitanæ Glaſguenſis, quæ pertinebat clar. & doct. Alex. Bailie de Caſtlecarie.

IN nomine Domini noſtri Jeſu Chriſti, Amen. Ad perpetuam rei memoriam notum ſit omnibus preſentibus & futuris, quod reverendus in Chriſto Pater Joannes Cambrun, Divina miſeratione Epiſcopus Glaſcuen. ad Dei honorem & divini cultus augmentum, nonullas Eccleſias ſue Dioceſis,

ceſis, dictarum Eccleſiarum patronis, volentibus & expreſſe conſentientibus, in prebendas Eccleſie ſue Glaſcuen. perpetuo obſervandas, ſub modis & formis infra ſcriptis, cum ſui capituli conſenſu pariter & aſſenſu erexit & creavit, viz. Eccleſiam Parochialem de Cambuſlang, conſentiente magnifico & potenti Domino, Domino Archibaldo Comite de Douglaſs, Domino de Bothwell, & Drumſergarth, Eccleſiam Parochialem de Torbolton, conſentiente nobili viro Domino Joanne Steward militi Domino de Dernle & Torbolton, Eccleſiam Parochialem de Egilſham, conſentiente Domino Alexandro de Mongomerce militi Domino de Egilſham, Eccleſiam Parochialem de Luſs, conſentiente Joanne de Colquhone Domino de Luſs, Eccleſiam Parochialem de Kirkmacho, conſentiente Domino Joanne Foreſter militi, tunc temporis dicte Eccleſie de Kirkmacho patrono, ratione Margarete ſponſe ſue, ipſius Domine Margarete ac filii ſui & heredis Willielmi Steward militis conſenſu expreſſe interveniente, & Eccleſiam Parochialem de Killearn, conſentiente nobili viro Domino Patricio Domino de Le Graham, ac Domino de Killearn: Et ad has prebendas ſic noviter erectas & creatas prefati Domini patroni, eorum filii & ſucceſſores, dum vaccaverint, perſonas ydoneas Epiſcopo Glaſcuen. qui pro tempore fuerit, aut ejis vicario in ſpiritualibus, prout de jure ſpectat legitime preſentabunt. Item in ſingulis Eccleſiis parochialibus antedictis, inſtituentur ſinguli vicarii perpetui penſionarii curam animarum ſubituri, quarum vicariarum perpetuarum proviſio, collatio & omnimoda diſpoſitio, ad Epiſcopum Glaſcuen. qui pro tempore fuerit, & non ad alium quemcunque pertinebunt; penſio vero dictis vicariis de Cambuſlang, Torbolton, Egilſham, Luſs, Kirkmacho, aſſignata eſt viginti marcarum; penſio vero prefato vicario de Killearn aſſignata eſt quindecim marcarum uſuales monete Regni Scotie pro tempore currentis, una cum uno manſo prope Eccleſiam, ubi poterit commode ad ſuam curam ſubeundam reſidere, una cum aliqua terrula ſibi de poſſeſſionibus Eccleſie Parochialis aſſignanda; quiquidem vicarii penſionarii prefatas penſiones additis novis prebendarum, & eorum ſucceſſoribus exigent & recipient, & ipſi vicarii perpetui, ad reſidentiam continuam & curam animarum ſubeundam, & omnia & ſingula onera ordinaria perſolvenda, tenebuntur. Onere vero ſuſtentationum chori ac reparationem Eccleſiæ, & cetera onera extraordinaria, ad Prebendarium qui pro tempore fuerit, ſicut ante hanc novam erectionem ſeu creationem ſpectabant, pertinebunt. Supplicationes & conſenſus predictorum Patronorum habiti ſunt. Anno Domini 1429.

NUM. VII.

Litera Legitimationis Andreæ Domini Evandale, Arthuri & Walteri Stewarts fratres ſuos, in publicis Archivis.

JACOBUS, Dei Gratia, Rex Scotorum, omnibus probis hominibus ſuis, ad quos preſentes littere pervenerint, Salutem. Sciatis quod nos conſiderantes & perpendentes quam maxima & gratuita ſervitia nobis & progenitori noſtro, per predilectum Conſanguineum & Cancellarium noſtrum Andream Dominum Avandale, a longo tempore elapſo impenſa, legitimamus, & tenore preſentium legitimamus,

pro nobis & ſucceſſoribus noſtris, dictum Conſanguineum noſtrum Andream Dominum Avandale, Arthurum Stewart & Walterum Stewart fratres ſuos, & eorum quemlibet, ad omnimodas actiones & libertates, in judicio & extra exercend. ac officiis & libertatibus quibuſcunque gaudend. & utend. adeo libere, in omnibus, & per omnia, ſicut de legitimo thoro eſſent procreati, non obſtand. baſtardia eorundem; ac ſighanter & ſpecialiter conceſſimus per preſentes, pro nobis & ſucceſſoribus noſtris, confimus dicto Arthuro libertatem, facultatem, & plenariam poteſtatem, & legitimamus eundem, ut ipſe Arthurus & heredes ſui maſculi legitime ſuccedat, & ſuccedant dicto Andree Domino Avandale, in terras & dominio ſuo de Avandale, cum pertinen. & anexis, ac omnibus aliis terris ſuis queſitis ſeu querendis quibuſcunque. Et conſimiliter legitimamus, & tenore preſentium legitimamus, dictum Walterum, & heredes ſuos maſculos, ad ſuccedendum dicto Andree, vel prefato Arthuro in dicto dominio de Avandale, cum pertinen. & anexis, & omnibus aliis terris ſuis queſitis ſeu querendis: Et etiam conceſſimus, & per preſentes concedimus, dictis Andree, Arthuro & Waltero fratribus, pro nobis & ſucceſſoribus noſtris, liberam facultatem, & licentiam ſpecialem, ac plenariam poteſtatem, quod dictus Andreas, Arthurus & Walterus, & eorum quilibet, libere diſponere valeant, & valeat in toto tempore vite eorundem Andree, Arthuri & Walteri, ac cujuslibet eorundem, ac in lectis & lecto egritudinis, ſive fuerint vel fuerit ſanis vel ſani, egri vel eger, de omnibus & ſingulis terris ſuis, redditibus, poſſeſſionibus, ac bonis mobilibus & immobilibus, queſitis ſeu querendis, cuicunque perſone, vel quibuſcunque perſonis, prout eis & cuicunque eorum melius videbitur expediens, conveniens, & oportunum. Et inſuper, pro nobis & ſucceſſoribus noſtris, renunciamus, & per preſentes renunciamus, omni jure noſtro dicte baſtardie, ac dedimus & conceſſimus, & per tenorem preſentium damus, & concedimus, dictis Andree, Arthuro & Waltero, & eorum cuilibet, omnem jus noſtrum & privilegium nobis in legibus conceſſ. ad terras & bona ſua cujuscunque eorum, cum ipſis & eorum quolibet gaudend. & ſpectand. ac diſponend. adeo libere, in omnibus & per omnia, ſicut in legitimo matrimonio, ut premititur, eſſent procreati, ſine quovis obſtaculo, impediemento, clameo, vel contradictione, per nos aut ſucceſſores noſtros, quovis modo inde faciend. in futurum. Quare univerſis & ſingulis leigis, ſubditis, & officiarios noſtros preſentibus & futuris, ſtrictè precipimus & mandamus, ne quis contrarium dictarum noſtrarum conceſſionum, aut cujuſcunque eorum aliqualiter devenire preſumat, ſub omni pena, quam erga noſtram regiam incurrere poterit Majeſtatem. In cujus rei teſtimonium, preſentibus noſtris litteris, magnum noſtrum ſigillum, una cum appenſione noſtri ſecreti ſigilli, in evidentius teſtimonium & majorem ſecuritatem apponi precipimus, apud Edinburgh, decimo ſeptimo die menſis Aprilis, Anno Domini, mileſſimo quadringenteſſimo ſeptuageſſimo nono, & regni noſtri decimo nono.

NUM.

NUM. VIII.

Act of Parliament approving of the Service of *Archibald* Earl of *Angus*, *James* Earl of *Arran*, and their Adherents, in preserving the King from the Attempts at *Melross* and *Linlithgow*, in the Records of Parliament, in the publick Archives at *Edinburgh*.

ANENT ye Suplicatione givin in be *Archibald* Erle of *Angus*, *James* Erle of *Arran* Lord *Hamilton*, *James* Erle of *Mortoun*, *Robert* Lord *Maxwel*, *George* Lord *Hume*, *Hew* Lord *Somervile*, *Archibald* Maister of *Eglintoun*, *George Douglas* Brodir to the Erle of *Angus*, *Archibald Douglas* Provest of *Edinburgh* his Eme, *James Hamiltoun* of *Fynnart* Knyt, *Andro Ker* of *Fernyhirst*, *James Douglas* of *Drumlamig*, *James Gordon* of *Lochinvar*, *William Gordon* his Brodyr, *Mark Ker* of *Dolpinstoun*, *Andro Ker* in *Greinheide*, yat quhare yai yr Tymes late bigane, with divers vyrs yair Frindis, Baronis, Freehalders and Gentlmen has waitit continualie upon the Service of our Soverane Lord, and specialie for Conservation of his maist noble Person fra Perillis, Inconveniences and Company of evill disposit Personis, yat myt or wald pres yame to draw his Hienes to unprofitable and unvertous Havingis, his Grace beand at *Melros* the Day of last bipast, ane greate Part of yame, yair Folkis and Frindis tending to convoy his Grace to *Edinburgh*, as guid Servandis and trew Liegis, *Walter Scot* of *Branxhoome* Knyt, with an greite Multitude of broken Men, lyttit in his Hienes Gaite, arrayit in Forme of Batale, tending to put Handis in his Person, and to have overthrawin yame, and drawn his Grace yr invtile Frynd'ship and evill Wais: Quhilk persavit be yame for Defence and Conservatione of his Hienes yai exponit yame to Perill of Bat[illegible] quhar, in resisting of the said brokin Men, *Andro Ker* of *Cessford*, an[illegible]erse vyris war slain. And als yrafter, quhen Vumquhile *Johne* Erle of *Lev[illegible]x* attemit to have taken his maist noble Person, and put Handis yrin be his awn Authoritie, with Help of mony vyris his Assistaris, yai put yame to Defence of his Grace, and resistit yr Malice, Presumption and On-set, quhair the said Erle of *Levinax*, and diverse yris war slane in extreme Defence of yr Lives, and Conservation of our Soverane Lordis maist noble Person, desiring therefore sen yr grete Attemptis war comitit in treasonable Manere, and yai had Interes yrein, and war Parti with his Hienes, that yai myt have ane Declaration of yr Partis be the thre Estats present in Parliament, quheyr yai war trew Servandis to his Hienes at yar Tymis or not; and gif yai had comittit ony Fault or nane, like as at mair Lenth was contenit in the said Suplicatione: Quharewith our said Sovrane Lord, and thre Estatis of his Realme yr present, being replie avisit ye Merits of ye haile Caus being weile disputt, considerit, and understood, be Sensiment and Ward of Parliament, fand and deliverit, yat ye saidis Erlis of *Angus*, *Arran*, Lordis, Baronis, Gentlemen abovewriten, and all yat war with yame, and tuke yr Part at the said Tymis, had yame and buir

buir yame trewlie, honorablie and manfullie in ye ſaid twa Battelis, and had juſt and rytous Caus to fecht in Defence of yair Prince, and deſervit yrfor grete Honour, loving, Thanks and Reward, and ſuld ever be traiſit with his Grace, and tenderlie entreit as his trew Baronis and Liegis, and yat yai comitit no Fault in ye comitting of ye ſaid Battelis, nor in cuming yrto, and yat thyr Adverſaris had iniuſt and ewill Quarrell yrintill, for ye quhilk ane Part of yame yt was at ilk ane of the ſaid Battelis ar in this preſent Parliament plainlie forfaltit of yr Lifes, yair Honouris, Heritages, Offices, and Guds movable and immovable, as the Acts made yarupon proportis. Qwharefor our ſaid Soverane and Eſtatis forſaid decernis the ſaid Erlis, Lordis, Baronis, and ythir Perſonis, and all yr Partakaris and Aſſiſtaris in the ſaids twa Battalis clene and innocent of ony Falt or Crime yat may be imput to yame yrfor now and in all Tyme to cum.

NUM. IX.

Act of Parliament allowing the Reading of the BIBLE in the Vulgar Tongue, Anno 1543, copied out of the Regiſters of Parliament, in the publick Archives at *Edinburgh*.

ANENT the Writting gevin in be *Robert* Lord *Maxwel*, in preſens of my Lord Governour, and Lordis of Articklis, to be avifit by thaim, giff the famin be reſonable or not, of the quhilk the Tenor followis. It is ſtatute and ordainit, that it ſal be lefull to all our Sovirane Ladyis Leiges to have the haly Writ, *to wit*, the New Teſtament and the Auld in the Vulgar Toung, in *Inglis* and *Scotis*, of an gude and trew Tranſlation, and that thai ſal incur na Crimes for the hefing and reding of the ſamen, providing always that na Man diſpute or hald Opinionis under the Pains contenit in the Actis of Parliament. The Lordis of Articklis beand avifit with the ſaid Writting, finds the famin reſonable, and therefore thinkis that the famin may be uſit amangis all the Leigis of this Realme in our Vulgar Toung, of an gude, trew, and juſt Tranſlation, becaus there was na Law ſhewn nor producit in the contrar; and that none of our Soverane Ladyis Leiges incur ony Crimes for haifing or reding of the famin, in Form as ſaid is, nor ſall be accuſit therefore in Time coming, and that na Perſonis diſpute, argou, or hold oppunionis of the famin, under the ſaidis Painis contenit in the foreſaids Actis of Parliament.

NUM.

NUM X.

Reſignation of the Crown by Queen *Mary* in Favours of the Prince her Son, with a Commiſſion to inveſt him in the ſame, with the uſual Solemnities. The Writ is entred on Record in the Council Books at *Edinburgh*, the 25th of *July* 1567, in the Signet-Office.

THE quhilk Day, in Preſence of the Lordis of Secreit Counſale and vyeris of ye Nobilitie, Prelatis, Baronis and Commiſſaris of Burrowis convenit within the Tolbuyth off *Edinburgh*, comperit *Patrik* Lord *Lindſay* of the *Byres*, and preſentit ye Commiſſioun underwritten, ſubſcrivit be the Queen's Majeſty our Sowerane Ladie, and under her Privy Seill deſirand the ſame to be opinlie red, off the quhilk the Tenor followis.

MARIE, be the Grace of God, Quene off *Scotis*. To all and ſundry our Jugeis and Miniſteris off Law, Liegis and Subditts quhome it effeiris, quhais Knawlege yir our Letteris ſall to cum, Greiting. Forſameikill as ſen oure Arryval and returning within oure Realm, we willing the common Commoditie, Welth, Proffeit and Quietneis yrof, Leiges and Subjects of the ſamyn, haif employit oure Body, haill Sences and Forcis to governe ye ſame, in ſic Sort, yat oure Royall and Honorabill Eſtait myt ſtand, continew with us, and oure Poſteritie, and oure loving and kynd Liegis myt enjoy the Quietnes of trew Subjectis; in travelling quhairin, not only is oure Body, Spirit and Sences ſa wearit, brokin and unquietit, yat langer we are not of Habilitie be ony Maner to indur ſa greit and intollerabill Painis and Travellis, quhairwith we are altogedder weryit: But als greit Conotiounis and Troublis be ſundry Occaſionis in ye mene Tyme has inſewit, yat to oure greit Greiff; and ſeing it has bene the Pleſſor of the eternal GOD, of his kyndlie Luf, Mercie and Guidneſs, to grant unto us of our awin Perſon an Son, quha, in Caſis be the Hand of GOD we be veſeit, will and ryt, and of Equatie man and aucht to ſucceid to us, and to the Government of oure Realme. And knawing yat all Creturis are ſubject to yat immutabill Decreit of ye Eternall, and to reindir and gif up this Lyff temperall (the Hour and Tyme quhairof is maiſt uncertane) and in Caſe be Deceis we be takin fra this Lyff, during the Tyme of his Minority, it may be doubtit greitlie yat Reſiſtance and Troubill may be maid to our ſaid Son, now Native Prince off yis oure Realme, in his tender Zeiris (being ſwa deſtitute of us) to ſucceid to that Roume and Kingdome, quhilk maiſt juſtlie of all Lawis appertainis to him. Quhilk inconvenient, be Goddis help and gude Providence, we meane to prevent in ſic Maner, yat it ſall not ly in the Pour off ony unnaturall Subjectis to reſiſt Goddis Ordinance in yat Behalf. And underſtanding yat nathing erdlie is maiſt joyus and happie to us, nor to ſie oure ſaid dereſt Sone in oure awin Lyfetyme peciabillie placit in yat Roume, and honorabill Eſtait,

quhairto he juſtlie aucht and man ſucceid to. We of the moderlie Affectioun we beir towart our ſaid onlie Sone, have renuncit, and dimitit, and be yir oure Letres, frelie of oure awin motive Will, renuncis and dimittis the Government, Gyding, and Governing of yis oure Realme of *Scotland*, Liegis and Subdittis yairof, and all Intromiſſioun and Diſpoſition of ony Caſualities, Propertie, Benefices, Offices, and all Thingis appertening or heirtofor is knawin, or heirafter ſall happin to appertene yairto, in Favouris of oure ſaid dereſt Sone, to yat Effect yat he may be plantit, placit, and poſſeſſit yairin, uſe and exerce all Thingis belanging yairto, as native King and Prince of the ſamyn, and fickilke, as we or ony of oure Predeceſſors Kingis of *Scotland* has done in ony Tyme bipaſt. Attour yat yis oure Dimiſſioun may tak the mair ſolempne Effect, and yat nane pretend Ignorance yairof, we have given, grantit and committit, and be yir oure Letters givis, grantis, and committis oure Commiſſioun, full, fre and plane Pour, generall and ſpecial Command, to oure traiſt Cuſings, *Patrik* Lord *Lindſay* of ye *Byres*, and *William* Lord *Ruthven*, and to ilk ane of yame conjunctlie and ſeverallie, to compeir before ſa mony of the Nobility, Clergy, Burgeſſis, and vyer Peepill of oure Realme, as ſall happin to be aſſemblit to yat Effect in our Burgh of *Striviling*, or any uyer Place or Places, it ſal be thought maiſt convenient, at ony Day or Dayis, and yair publictly in yair Preſence, for us, in oure Name, and upon oure Behalf, dimit and renunce the Government, Gyding, and Rewling of this oure Realm, Liegis and Subjects yairof, all Intromiſſioun with the Propirtie, Caſualitie of uyris Thingis appertaining to us, quairby all Ryt and Title yat we had, has, or may have, be ony maner of way yairto, in Favouris of oure ſaid Sone, to yat Effect yat he may be inaugurat, placeit and rowmit yairin, and the Crown Royal deliverit to him, and be obeyit in all Thingis concerning the ſamyn, as we, or our Predeceſſors, has bine in Times bipaſt. And likewyis be yir preſents givis, grantis, and committis, full, fre, and plane Pour, to our ryt traiſt Cuſingis, *James* Erll of *Mortoun* Lord *Dalkeyth*, *Johnne* Erll of *Athol*, &c. *Johnne* Erll of *Mar*, *Alexander* Erll of *Glencairn*, *William* Erll of *Menteith*, *Johnne* Maiſter of *Grahame*, *Alexander* Lord *Home*, *Adame* Bychope of *Orkney*, ye Proveiſtis of *Dunde*, *Montroiſe*, or ony of yame, to reſſave ye ſaid Renunciatioun and Dimiſſioun, in favouris of our ſaid Sone, and after the reſſaving yairof, to plant, Place and Inaugurate him in ye Kingdom, and with all Ceremonies requiſit, to put the Crown Royal upon his Head, in Signe and Taken of the Eſtabliſhing of him yairin, and in his Name to mak and [illegible] to the ſaid Nobilitie, Clergy, Burgeſſes and uyris our Liegis, his P[illegible]ie and Kinglie Ayth, detfullie and lauchfullie as effeirs, and to reſſave yair Aythis for dew and lauchfull Homage and Obedience to be maid by yame to him in all Tymes Cumming as becomes Subjects, to yair native King and Prince. And Generally all and ſundry oyer Thingis to do, exerce, and uſe yat for ſuir Performance and Accomplyſement heirof, may or can be done, ferme and ſtabill, haldand, and for to hald, all and quhatſomevir Thingis in our Name in the Premiſſes, bedis to be done in the Word and faythfull Promeiſs of an Prince; and ordains thir oure Letters, gif neid beis, to be publeiſt at all places neidful. Subſcrivit with oure Hand, and given under oure PrevieSeill, at *Lochleiven* the xxiiii Day of *July*, and of oure Regnne the twentie fyve Zeir 1567.

Qwhilks being opinlie red, the ſaidis Lordis of Secreit Counſale, uyeris of the Nobilitie, Prelatis, Baronis and Commiſſaris of Burrows, convenit as ſaid is, ghaillie aggreit yairto, allowit and and approvit the ſamyn, and in Verification yrof, ſubſcrivit the Obligatioun following.

NUM.

NUM. XI.

Bond of Association that followed upon this, taken from an Original now kept in the Library of the College of *Glaſgow*. It is likewiſe regiſtred in the Council-Books, *anno* 1567.

WE quhilks has ſubſcrivit the underwritten Band, underſtanding that the Queenis Majeſty willing nathing mair earneſtly, nor that in her Lifetime her Majeſties dear Son, our native Prince, be placit and inaugurat in the Kingdom of this his native Cuntre and Realm, and be obeyit as King be us and uthers his Subjects, and being weariit of the great Pains and Travels taken be her in her Government thereof, has be her Letters demittit and renderit, and giuen Power thairby to demit and renunce the ſaid Government of this Realm, Liegis and Subjectis thairof, in Favours of her ſaid Son our native Prince: To the Effect he may be inaugurat thairin, the Crown Royal put upon his Head, and be obeyit in all Thingis as King and native Prince thairof, as her Hienes Letters paſt thairupon bears. Thairfore, and becauſe it is ane of the maiſt happy Things that can come to any Pepill or Cuntre to be govemit and ruilt by their awn native King; We and ilk ane of us, quhilk hes ſubſcrivit thir preſents, be the Tenor heirof, promittis, bindis and obliſſis us, faithfully to convene and aſſembil our ſelfs at the Burgh of *Sterling*, or any uther Place to be appointit, to the Effect foreſaid, and thair concur, aſſiſt and fortify our ſaid native King and Prince, to the eſtabliſſing, planting and placing of him in his Kingdom, and putting of the Crown Royal thairof upon his Head, and in the Fear of our God, being inſtructit and teichit be his and all other Laws, ſall gif our Aith of Fidelity and Homage, and lawful and dutiful Obedience to be made by us to him during his Grace's Lifetime, as it becomes faithful, chriſtian and true Subjects to do to thair native King and Prince. And farther, that we ſall with all our Strength and Force ſi promote, concur, fortifie and aſſiſt to the promoving and eſtabliſſing of him in his Kingdom and Government, as becumis faithful and true Subjects to do, to thair Prince, and to reſiſt all ſick as wald oppon them thairto, or make any Trouble or Impediment to him thairin, and ſall do all uther Things, that becomis faithful and chriſtian Subjects to do to thair native King and Prince. In Witnes of the quhilk Thing we haif ſubſcrivit thir Preſents with our Handis at *Edinburgh* the Day of the Zeir of God 1567 Zeirs.

James Regent
Huntle
Archbald Argyle
Athol
Mortoun
Marr
Glencairn
Errol
Buchan
Alexander Lord Home
William Lord Ruthven
Lord Sanquhar
Ihon Lord Glamis
Patrick Lord Lindſey
Michael Lord Carlile with my Hand at the Pen, Alexander Hay Notarius
William Lord Boythwick.

quhairto he juſtlie aucht and man ſucceid to. We of the moderlie Affectioun we beir towart our ſaid onlie Sone, have renuncit, and dimitit, and be yir oure Letres, frelie of oure awin motive Will, renuncis and dimittis the Government, Gyding, and Governing of yis oure Realme of *Scotland*, Liegis and Subdittis yairof, and all Intromiſſioun and Diſpoſition of ony Caſualities, Propertie, Benefices, Offices, and all Thingis appertening or heirtofor is knawin, or heirafter ſall happin to appertene yairto, in Favouris of oure ſaid dereſt Sone, to yat Effect yat he may be plantit, placit, and poſſeſſit yairin, uſe and exerce, all Thingis belanging yairto, as native King and Prince of the ſamyn, and ſicklike, as we or ony of oure Predeceſſors Kingis of *Scotland* has done in ony Tyme bipaſt. Attour yat yis oure Diſmiſſioun may tak the mair ſolempne Effect, and yat nane pretend Ignorance yairof, we have given, grantit and committit, and be yir oure Letters givis, grantis, and committis oure Commiſſioun, full, fre and plane Pour, generall and ſpecial Command, to oure traiſt Cuſings, *Patrik* Lord *Lindſay* of ye *Byres*, and *William* Lord *Ruthven*, and to ilk ane of yame conjunctlie and ſeverallie, to compeir before ſa mony of the Nobility, Clergy, Burgeſſis, and vyer Peepill of oure Realme, as ſall happin to be aſſemblit to yat Effect in our Burgh of *Striviling*, or any uyer Place or Places, it ſal be thought maiſt convenient, at ony Day or Dayis, and yair publictly in yair Preſence, for us, in oure Name, and upon oure Behalf, dimit and renunce the Government, Gyding, and Rewling of this oure Realm, Liegis and Subjects yairof, all Intromiſſioun with the Propirtie, Caſualitie of uyris Thingis appertaining to us, quairby all Ryt and Title yat we had, has, or may have, be ony maner of way yairto, in Favouris of oure ſaid Sone, to yat Effect yat he may be inaugurat, placeit and rowmit yairin, and the Crown Royal deliverit to him, and be obeyit in all Thingis concerning the ſamyn, as we, or our Predeceſſors, has bine in Times bipaſt. And likewyiſs be yir preſents givis, grantis, and committis, full, fre, and plane Pour, to our ryt traiſt Cuſingis, *James* Erll of *Mortoun* Lord *Dalkyth*, *Johnne* Erll of *Athol*, &c. *Johnne* Erll of *Mar*, *Alexander* Erll of *Glencairn*, *William* Erll of *Menteith*, *Johnne* Maiſter of *Grahame*, *Alexander* Lord *Hwme*, *Adam* Bychope of *Orkney*, ye Proveiſtis of *Dunde*, *Montroiſe*, or ony of yame, to reſſave ye ſaid Renunciatioun and Diſmiſſioun, in favouris of our ſaid Sone, and after the reſſaving yairof, to plant, Place and Inaugurate him in ye Kingdom, and with all Ceremonies requiſit, to put the Crown Royal upon his Head, in Signe and Taken of the Eſtabliſhing of him yairin, and in his Name to mak and [illegible] to the ſaid Nobiliie, Clergy, Burgiſſes and uyris our Liegis, his Pr[illegible]ie and Kinglie Ayth, detfullie and lauchfullie as effeirs, and to reſſave yair Aythis for dew and lauchfull Homage and Obedience to be maid by yame to him in all Tymes Cumming as becomes Subjects, to yair native King and Prince. And Generally all and ſundry oyer Thingis to do, exerce, and uſe yat for fair Performance and Accomplyſement heirof, may or can be done, ferme and ſtabil, haldand, and for to hald, all and quhatſomevir Thingis in our Name in the Premiſſes, bedis to be done in the Word and faythfull Promeiſs of an Prince; and ordains thir oure Letters, gif neid beis, to be publeiſt at all places neidful. Subſcrwit with oure Hand, and given under oure PrevieSeill, at *Lochleven* the xxiiii Day of *July*, and of oure Regnne the twentie fyve Zeir 1567.

Quhilks being opinlie red, the ſaidis Lordis of Secreit Counſale, uyeris of the Nobiliie, Prelattis, Baronis and Commiſſaris of Burrows, convenit as ſaid is, ghillie aggreit yairto, allowit and and approvit the ſamyn, and in Verification yrof, ſubſcrivit the Obligatioun following.

NUM.

NUM. XI.

Bond of Aſſociation that followed upon this, taken from an Original now kept in the Library of the College of *Glaſgow*. It is likewiſe regiſtred in the Council-Books, *anno* 1567.

WE quhilks has ſubſcrivit the underwritten Band, underſtanding that the Queenis Majeſty willing nathing mair earneſtly, nor that in her Lifetime her Majeſties dear Son, our native Prince, be placit and inaugurat in the Kingdom of this his native Cuntre and Realm, and be obeyit as King be us and uthers his Subjects, and being wearit of the great Pains and Travels taken be her in her Government thereof, has be her Letters demittit and renderit, and giuen Power thairby to demit and renunce the ſaid Government of this Realm, Liegis and Subjectis thairof, in Favours of her ſaid Son our native Prince: To the Effect he may be inaugurat thairin, the Crown Royal put upon his Head, and be obeyit in all Thingis as King and native Prince thairof, as her Hieneſs Letters paſt thairupon bears. Thairfore, and becauſe it is ane of the maiſt happy Things that can come to any Pepill or Cuntre to be governit and rulit by their awn native King; We and ilk ane of us, quhilk hes ſubſcrivit thir preſents, be the Tenor heirof, promittis, bindis and obliſſis us, faithfully to convene and aſſembil our ſelfs at the Burgh of *Sterling*, or any uther Place to be appointit, to the Effect foreſaid, and thair concur, aſſiſt and fortify our ſaid native King and Prince, to the eſtabliſhing, planting and placing of him in his Kingdom, and putting of the Crown Royal thairof upon his Head, and in the Fear of our God, being inſtructit and teichit be his and all other Laws, ſall gif our Aith of Fidelity and Homage, and lawful and dutiful Obedience to be made by us to him during his Grace's Lifetime, as it becomes faithful, chriſtian and true Subjects to do to thair native King and Prince. And farther, that we ſall with all our Strength and Forcis promote, concur, fortifie and aſſiſt to the promoteing and eſtabliſhing of him in his Kingdom and Government, as becumis faithful and true Subjects to do, to thair Prince; and to reſiſt all ſick as wald oppon them thairin, or make any Trouble or Impediment to him thairin, and ſall do all uther Things, that becomis faithful and chriſtian Subjects to do to thair native King and Prince. In Witneſs of the quhilk Thing we haif ſubſcrivit thir Preſents with our Handis at *Edinburgh* the Day of the Zeir of God 1567 Zeirs.

James Regent
Huntle
Archbald Argyle
Athol
Mortoun
Mar
Glencairn
Errol
Buchan
Alexander Lord Home
William Lord Ruthven
Lord Sanquhar
Ihon Lord Glamis
Patrick Lord Lindſey
Michael Lord Carlile with my Hand at the Pen, Alexander Hay Notarius
William Lord Borthwick.

Lord Innermaith
Uchelry
Sympill
Henry Lord Methven
Allan Lord Cathcart
Patrick Lord Gray
Robert Commendator of Dumfermling
James Commendator of St. Colm's Inch
Alexander Commendator of Culroſs
Adam Commendator of Cambuskenneth
David Commendator of Dryburgh
Ihon Maſter of Montroſe
Alexander Biſhop of Galoway
Capringtoun
Blairquhan
Tullibarden Comptroller
Mochrum
William Maitland
Ihon Ballanden
Sir James Balfour Knight
Craigmiller
Buccleugh Knight
Walter Ker of Ceſsford
James Lord Roſs
Ihon Wiſhart
Drumlanrig
Bargany
Ihon Scrimſoure
Ihon Erskine of Dun
George Stratoun
James M'gil
James Haliburtoun
Ihon Cranſtoun
James Dalrumpyll of Stair
Ihon Malvaill of Ravth
Quhittingam
Ihon Fowlartoun
Thomas Scott
Thomas Diſhingtoun
James Meldrum
Arthor Forbes
Gilbert Ogilvie of That-ilk
Finlator
Thomas Kennedy
George Tours
James Hamilton of Kincavel
William Wauchop
Thomas Ker of Fannihert
Thomas Maul of Panmure
James Cuninghame
Garlys
Thomas Makdouall
Ihonſtoun
Charles Murray of Cockpule
Lochinvar
Bomby
Hew Lord Fraſer of Lovat
William Kircaldie of Grange
Aplegirth
Ihon Scaw of Haly
David Spens of Woormſtoun
Cuninghamhead
George Corre of Kelwod
Robert Stuart of Roſſyth
Patrick Houſtoun Knight
- - -
Ihon Lockhart of Barr
Hew Wallas of Carnal
David Dury of That-ilk
Mr. William Lundy of That-ilk
William Cuningham of Craigins
- - -
Andro Wod of Largo
- - -
Alexander of Grange
Alexander Guthrie Fiar of That-ilk
David Lindeſey of - -
Thomas Hannyn
Robert Campbell of Kingencleuch
James Sandilands
Ihon Moubray of Barnbougal
Ihon Hume of Coldenknows
Ihon Edmeſtoun of That-ilk Knight
David Sincler of Blans
William Chyrnſide of Eſtnisbet
Ihon Suyntoun of That-ilk
Ihon Home of Blaketer
George Home of Aitun
Robert Home of - -
William Bonar of Roſſie
William Sinclar of Roſslin
Oliver Sincliar of Quhitkirk
Alexander Hamiltoun of Innerwick
Alexander Fairney of That-ilk with my Hand at the Pen, Alexander Hay Notarius

Commiſſioners for Leith

Mr. Ihon Logan
Patrick Locht
- - -
Patrick Wod of Bonington
Robyn Ker of the Wodhead
Walter Ker of Dolfinſtoun

Commiſſioners for Dumfreis

James Rig Proveſt of Dumfreis
James Wallace in Dumfreis
Cardeneſs

The-

Thomas Kilpatrick of Ailland with my Hand at the Pen, Alexander Hay Notarius
Brochton
John Gordoun Younger of Cardiliaw
Robert Murray of Abercardny
WilliamMoncreiff Fiar of That-ilk
Hew Cathcart of Carltoun
William Borthwick of Gordonſhall
Hendry Graham

\- - -

Ihon Monteith of the Carſs
Ihon Lovell with my Hand at the Pen, Alexander Hay Notarius
Ihon Sempell
Pittoncrieff
Ihon Penycuk of That-ilk
George Buchanan of That-ilk
David Pringle
Robert Laſon of That-ilk,
Alexander Trayl of Torrie

\- - -

Robert Scot of Thirleſtan with my Hand at the Pen
Ihon Stewart of Craigiehall with my Hand at the Pen
Ihon Noble of Airdardan with my Hand at the Pen
James Foreſter
William Murray of Touchadam
Ihon Renton of Bellie
Thomas Ihonſton Proveſt of Haddingtoun
James Home Bellzie
Bernard Cheſholm Baillie with my Hand at the Pen, Alexander Hay Notarius
Mathew Sinclar of Lanformakus
George Mutrie younger of Seſield with my Hand at the Pen, Alexander Hay Notarius
William Sinclar of Hardminſtoun
Ihon Sidſerf
Nicolas Rutherford of Hundley,
Iohn Turnbull of Minto
Ihon Mow of That-ilk with our Hands at the Pen, Alexander Hay Notarius
Iohn Hatley
Ihon Rutherford of Hunthill
William Fraſer of Overtoun with our Hands at the Pen, Alexander Hay Notarius,
Ihon of Wymes
Ihon Cuningham of Drumquehill
Ihon Blair of That-ilk
Alexander Cuningham of Corſell
George Hume of Spote
Andrew Ker of Fawdunſyd
Gilbert Kenedy of Dalquharan
Ihon Schaw of Grenock
Ihon Colleſs
Ihon Wallace of Auchens
Ihon Brysban
Walter Leſly of That-ilk
David Tyri of Drumkilbo
Ihon Somervill of Cambuſnethen
Walter Macawlay of Arincapill
Hendry Foules of Collintoun
James Hariot of Trabroun
George Ramſay of Dalhuſay
Patrick Mich with my Hand at the Pen, Alexander Hay Notarius
David Hume of Waderburn
Patrick Cockburn of Clarkyngton
Alexander Cockburn of That-ilk
Thomas Ker of Merſingtoun
David Edington of That-ilk.
David Barclay of Culerny
Robert Ladour of the Baſs
Ihon Cockburn of Ormiſtoun
George Dundaſs of That-ilk
James Cockburn of Lantoun
William Ridpath younger of That-Ilk
Thomas Fawſyd of That-ilk
Robert Lyll of Stainpecht
Alexander Dalmahoy of That-ilk
James Ramſay of Cockpen
George Hume of Broxmouth
Peter Hay of Megiſh
Patrick Congiltoun of That-ilk
Hendry Hepburn of Fortoun with my Hand at the Pen
Alexander Crichtoun of Newhall with my Hand at the Pen, Alexander Hay Notarius
William Dowglas of Cavers
Ihon Turnbul of Philiphaw
Closburn
Patrick M'key of Larg
Andrew Ker of Heliden
Gilbert Ker of Prinſydeloch
Thomas Turnbul of Bedrule Knyt
Roger Grierſon of Lag
Bambarroch
Mynton
William Kilpatrick of Kirkmichel with my Hand at the Pen, Alexander Hay Notarius
Alexander Blair younger of Balthyoch
Ihon Charters of Ammesfield.

NUM XII.

A Bond of Aſſociation, entered into by the Lords and Barons of *Scotland*, for ſetting forward the Reformation of Religion, and for expelling the *French*, copied from the Original, which ſtill remains in the Poſſeſſion of his Grace the Duke of *Hamilton*.

AT *Edinburgh*, the Twintie ſeventh of *April*, the Year of God ane thouſand fyve hundred threeſcore Years: We whaes Names are underwritten, haif promittit and oblieged our ſelves faithfully, in the Preſence of our God, and be thir Preſents promitts, that we altogether in general, and every one of us in ſpecial, be himſelf, with our Bodies, Goods, Friends, and all that we may do, ſall ſet forwart the Reformation of Religion, according to Goddes Worde; and procure, be all Means poſſible, that the true Preaching of Goddes Worde, may haif free Paſſage within this Realme, with dew Adminiſtration of the Sacraments, and all Thingis depending upon the ſaid Worde. And ſickflyke deiply weighing with our ſelves the Misbehaviour of the *Franche* Miniſters heir, the intolerable Oppreſſions committed be the *Franchmen* of Weir, upon the puir Subjects of this Realme, be Meyntenance of the Queen Dowriare, under Collour and Pretence of Authority; the Tyranny of their Captains and Leaders, and manifeſt Danger of Conqueſt, in whilk this Countrie preſently ſtands; be Reaſon of diverſe Fortifications on the Sea-Coaſt, and other Novelties of late attemptat be them; promitts that we ſall alsweell every one with others, as altogether with the Queen of *England*'s Armie, preſently come in for our Deliverance, effectually concurr and joyn together, taking one Faild and plain Part of the Expulſion of the ſaid Strayngars, Oppreſſors of our Liberty, furth of this Realme, and Recovery of our ancient Freedomes and Liberties; to the end in Time coming, we may, under the Obedience of our King and Queen our Soverains, be only Reulyt be the Laws and Cuſtomes of the Countrie, and by the Men of the Land: And that never any of us haiff pryvy Intelligence, be Writing, or Meſſage or Communication, with any of our ſaid Enemys or Adverſars in this Cauſe, bot be the Advice of the reſt, at leaſt of Fyve of our Numbers: Attour, that we ſall tender this preſent Cauſe, as if it were the Cauſe of every one of us in particular; and that the Cauſe of every one of us now joyned together, being leiful and honeſt, ſhall be all our Cauſes in General. And he that is Enemy to the Cauſe forſaid, ſall be Enemy to us all: In ſo far, that whatſomever Perſon will plainly reſiſt thir our Godly Interpryſis, and will not concurr as ane guid Member of this Common Weill; we ſall fortify the Authority of the Counſell, to reduce them to their Deuty: Lyke as we ſall fortify the ſaid Authority of the Counſale, in all Things tending to the Furtherance of the ſaid Cauſe. And giff any particular Debate, Quarrell or Contraverſie ſall arile, for whatſomever Cauſe, bygain, preſent or to come, betwixt any of us;

us; (as God forbid) in that Caſe, we ſall ſubmit our ſelves, and our ſaid Queſtions, to the Deciſion of the Counſale, or to Arbitratours, to be nam-ed be them. Provyding allwayes, that this be not prejudicial to the or-dinar Juriſdiction of Judges: But that Men may purſue their Actions by Ordour of Law, civilly or criminally, before the Judges Ordinars, gif they pleaſe.

NUM. XIII.

Copy of a Proteſtation by the Earls of *Huntly* and *Argyle*, concerning the Murder of King *Henry*, from a Writing under their Hands, ſent to Queen *Elizabeth*, which Mr. *Cambden* has inſert in his Hiſtory of that Queen, and which the learned Au-thor ſays he ſaw himſelf, *Page* 94.

FORASMUCH as *Murray* and others, to cloak their Rebellion a-gainſt the Queen, whoſe Authority they arrogate to themſelves, do openly calumniate her as guilty of the Murder of her Huſband; We do publickly Proteſt and Witneſs theſe Things following. In the Month of *December* 1566, when the Queen ſtaid at *Craigmillar*, *Murray* and *Lething-tone* acknowledged before Us, that *Morton*, *Lindſey* and *Ruthven*, Slew *David Rizio*, to no other Intent than to ſave *Murray*, who was at that Time to be proſcribed. Therefore, that they might not ſeem unthank-ful, they much deſired that *Mortone* and the Reſt who lived in Exile, for the Murder of *David*, might be brought Home again. But this they ſaid could not be effected, unleſs the Queen might be Divorced from her Huſband; which they promiſed to bring to paſs, ſo as we would give our Aſſent. Afterwards *Murray* promiſed to me, *Huntley*, that my Inheri-tance ſhould be reſtored unto me, and that I ſhould be in eternal Favour with the Exiles, if I would favour the Divorce. Then went we to *Both-well*, that he might alſo conſent. *Laſtly*, We came unto the Queen, and *Lethingtone*, in Name of us All, earneſtly entreated Her, that *Mortone*, *Lindſey*, and *Ruthven*, might have their Baniſhment remitted. The King's Errors and Offences againſt the Queen and the Realm, he aggravated with much Sharpneſs of Words, and ſhewed that it mainly concerned the Queen and State, that there ſhould forthwith be a Divorce; Forasmuch as the King and Queen could not live together in *Scotland* with Security. She anſwered, That ſhe would rather withdraw herſelf for a Time into *France*, until her Huſband did acknowledge the Errors of his Youth; for ſhe would not that any Thing ſhould be done, which might be prejudicial to her Son, or diſhonourable to herſelf. Hereto *Lethingtone* replied. We which are of your Council will look to that. But I command you (ſaid ſhe) that you do nothing which may bleniſh my Honour, or burden my Conſcience; let the Matter remain as it is, till God remedy it from above: That which you think will be for my Good, may perhaps turn to my Hurt. To whom *Lethingtone* ſaid, Leave the Matter to us, and you ſhall ſee no-

thing ſhall be done, but what is juſt, and approveable by Authority of Parliament. Hereupon, ſeeing the King was murdered by wicked Hands within few Days after, We out of the inward Teſtimony of our Conſciences, do hold it moſt certain that *Murray* and *Lethington* were the Authors, Contrivers, and Perſwaders of this Regicide, whoſoever were the Actors of the ſame.

NUM. XIV.

A Supplication preſented to the King by the Lords, who detained his Majeſty at *Ruthven* on the 23d of *Auguſt* 1582, copied from an Original in Mr. *Calderwood*'s large Manuſcript Hiſtory of the Church of *Scotland*, now in the Library of the College of *Glaſgow*, Vol. III. Page 144 and 145.

IT my ſeeme ſtrange unto your Highneſſe, that we, your Majeſties moſt humble and obedient Subjects, are here convened, beyond your Highneſſe's Expectation: But after your Grace hath heard the urgent Occaſions, that have preſſed us theirunto, your Majeſtie will not marvell at this honeſt, lawful, neceſſare, and godly interpriſe. Sir, for the dewiefull Reverence and Obedience we owe to your Highneſs, and for that we ever abhorred to attempt any Thing, that might ſeem diſpleaſant to your Excellencie, we have ſuffered, now about the ſpace of two Yeans, ſuche falſe Accuſations, Calumnies, Oppreſſions and Perſecutions, be the Moyen of the Duke of *Lennox*, and him who is called Earle of *Arran*, that the like of their Inſolencies and Enormities were never heretofore born with in *Scotland*. Which wrongis, albeit they were moſt intolerable, yet for that they only touched us in particular, we compouned them patiently, ever attending, when your Highneſſe would put Remeid thereto. But now ſeeing the Perſons forſaids have entred plainly to trouble the whole Body of this Common-wealth, as well Miniſters of the Bleſſed Evangell, as the trew Profeſſours thereof; but in ſpecial that Number of Noblemen, Barons, Burgeſſes and Communitie, that did moſt worthie in your Highneſſe Service, during your Youth, whom principally and only they moleſt, and againſt whom only they uſe moſt Rigour and Extremitie of Laws, Acts, Practiques, for greater Vindication; ſo that a Part of theſe your beſt Subjects is exiled, another Part tormented, put to Queſtions, and with Partialitie executed; and if any eſcape their barbarous Furie, yet have no Acceſs to your Majeſty, but are falſely calumniated, minaced, debarred your Preſence, and halden out of your Favour; Papiſts and the moſt notable Murthurers of your Father, and Regents are daily called Home, reſtored to their former Honours and Heritages, and oftentimes highly rewarded with Offices, Roumes and Poſſeſſions of your moſt faithfull Servants. *Finally*, Sir, your Eſtate Royall is not governed be the Counſell of your Nobilitie, as your moſt worthy Progenitors uſed to do; but at the Pleaſure of the Perſonis forſaid, who interpriſed nothing, but as they receaved Directions from the Biſops of *Glaſgow* and *Roſs*, your denunced Rebels, having

having with them adjoined in their ordinarie Counſells the Popes Nuncios, the Ambaſſadors of *Spain*, and ſuch others of the Catholick Papiſts in *France*, as ever laboured to ſubvert the trew Religion, to ſpoil you of your Crown. With theſe forfaulted Perſons, and with your Mother, without Advice of your Eſtates, they travelled to cauſe your Majeſty negotiate and traffique, perſwading your Highneſſe to be reconſiled with her, and to aſſociate her conjunctlie with you in your Authority. Thereby meaning nothing but to convict them of Uſurpation, Conſpiracie and Treaſon, that ſerved your Highneſs moſt faithfully in your Youth; and ſua having theſe your beſt Subjects out of the Way, who, with the Defenſe of your Innocence, maintained the Puritie of Religion, as twa Actions united and unſeparable, what elis could have enſwed and followed, but the wrack baith of the ane and the other. For Concluſion, be their Practiſes your whole Countrie, for which, Sa you muſt give Account to our eternal God, becauſe we muſt be anſwerable to your Excellencie, is ſo perturbed, altered and put out of Frame, that the trew Religion, the Common-weale, your Crown, Eſtate, and Perſon is in no leſs Danger, then when ye were delivered out of the Hands of the Murthurers of your Father. Sir, beholding theſe Dangers to be imminent and at hand, without ſpeedie Help, and ſeeing your moſt noble Perſon in ſuch Hazard, the Preſervation whereof is more pretious to us then our oun Lives; ſeeing alſo, in Appearance, that your Majeſty was forewarned thereof but like to perifhe before ze could percave Perell; we thought we could not be anſwerable to our good God, neather be faithfull Subjects to your Highneſs, if after our Abilitie we prevented not their pitiefull Diſaſters, and preſerved your Majeſtie from the ſame. For this Effect, with all dutiefull Humilitie, we your Majeſties true Subjects are here conveened, deſiring your Majeſtie, in the Name of the eternall God, and for the Love ze bear to his trew Religion, your Country and Subjects, that as, ze would the Tranquilitie of your own Eſtate, to retire your ſelf to ſuch a Part of the Countrie, where your Majeſties Perſon my be moſt ſurrlie preſerved, and your Nobilitie, neither under Perrill of our Lands, Lives, nor Heritages; your Majeſtie ſall ſee the Diſloyalties, Falſets, Treaſons of the Perſons forſaids, with their Complices, evidentlie proven and declared in their Faces, to the Glorie of God, Advancement of his trew Religion, your Majeſties Preſervation, Honour and Deliverance, paciefieing of your perturbed Commonweale and Countrie, and to their perpetwal Ignominie, Infamie and Shame.

NUM. XV.

Gift of the Survivancy of the Chancellor's Place, to Sir *James Stewart* Earl of *Arran*. Regiſtred in the Books of the Privy Seal, in the Publick Archives.

ANE Lettre maid, makand Mentioun yat forſamakill as oure Soverane Lord and Lordis of his Hieneſs Secreit Counſall, underſtanding, that his Hieneſs rycht traiſt Couſing and Counſellor, *Coline* Erle of *Ergyle*, Lord *Campbel* and *Lorne*, greit Chancellare of his Heineſs Realme, is ſa troublit

with Infirmitie and Sickneſs of his Perſoun, yat he my not convenientlie a-wait upon his Hieneſs Parliamentis, Secreit Counſall, norSeſſioun, to diſcharge yeOffice of his HieneſsChancellare, quhilks Office is ſua neceſſar in his Hieneſs Parliamentis and SecreitCounſall, for the commoun Weill and Ordering of the Effairis of the hail Realm, and in the Seſſioun, for equal Adminiſtration of Juſtice to the Subjectis, yat gif his Hieneſs provyde not haiſtelie Remeid, the Abſence and Want of his Hieneſs Chancellare may be very hurtfull and prejudicial to his Hieneſs hail Countrie and Leigis yairof; and therefore oure Soverane Lord, with Aviſe of the ſaidis Lordis of his Hieneſs Secreit Counſall, for eſchewing of the ſaid Inconvenience, has Made, Conſtitute and Ordainit, and be ye ſaid Letre, Makis, Conſtitutis and Ordainis his Hieneſs rycht traiſt Couſing and Counſalloure *James* Erle of *Arane*, Lord *Hamiltoun* and *Avene*, Chancllare of his Hieneſs Realme, for uſing the ſaid Office yairof at all Times in Parliament, Secrit Counſall, Seſſioun, and uytherPlaces requiſite quhatſumeuir, duiring his Lyftime, quhen as the ſaid *Colin* Erle of *Ergyle* ſhall happen to be abſent yairfra, with Pour to his Hieneſs rycht traiſt Cuſſing and Counſalloure *James* Erle of *Arrane*, at all Tymes, duiring the Space forſaid, to uſe the Office of his Hieneſs Chancllare aboue written, to compone, judge and decerne, as his Hieneſs Chancllare in Parliament, Secreit Counſall, Seſſioun, and all oyer Places needfull and requiſite, quhan as ye ſaid *Coline* Earl of *Ergyle* ſall happen to be abſent; Gevand, Grantand and Comittand to him the Office yairof, with all Honouris, Dignities, Fredomes and Priuilegis belongand yairunto, frilie, quietlie *&c.* but ony Revocatioun, *&c.* At *Halierudhouſe*, the fyfteenth Day of ye Month of *May*, *Anno Dom. Mileſimo quingenteſimo octuageſimo quarto.*

NUM. XVI.

A Proteſtation taken in Parliament, by Sir *James Stewart* Earl of *Arran*, *Anno* 1585, anent the Deſcent of the Houſe of *Ochiltree*, from the Royal Family. Copied from the Collections of a Learned Antiquary.

JAMES Earl of *Aran*, *&c.* proteſts for himſelf, and in Name of his Father's Houſe of *Ochiltree*, that neather the Duke of *Lenoxe*'s Grace, nor nae other has Right to carrie the Croun, or be neareſt to the King's Majeſties Perſon, at ony Meetings of Parliament, Conventions of Eſtates, *&c.* before the ſaid Earl's Father's Houſe, in regard of the Nearneſs and Proximity of Bluid they ſtand in to his Highneſs, ſince it is well knawn to ſundry here Preſent, who are ready to atteſt the ſamyn, that the Lord *Ochiltrie*, the ſaid Earl's Father, is lawfully come of the Royal Bluid, as lyneally deſcending from Father to Son of the Houſe of *Evandale*, whaes firſt Progenitor, not lang ſynſeyne, was Son to Duke *Murdake*, begotten in lawful Bed, wha was Son to Duke *Robert* Duke of *Albany*, wha was Uncle, Tutor and Governour a lang Time to umquhile King *James* the Firſt his Nepot. And thereupon the ſaid Earl asked and toke Inſtruments in due and competent Form.

NUM.

NUM. XVII.

Commiſſio Regia, Johanni Comiti de Montroſe, ſub magno ſigillo, conſtituen. dictum Comitem, Procuratorem Regni Scotiæ, durante vita ſua. Ex Autographo in Cuſtodia Ducis de Montroſe.

JACOBUS, Dei Gratia, Magnæ Britaniæ, Galliæ & Hyberniæ Rex, fideique Protector. Omnibus probis hominibus ſuis, ad quos preſentes litere pervenerint, ſalutem. Certiores vos factos volumus, quod nos multiplicia grati, devotique animi argumenta, variaque officiorum ab hinc retro, ad uſque natalis noſtri initia, nobis a dilecto noſtro Conſanguineo, illuſtrique Conſiliario, Johanne Montiſroſæ Comite, &c. fideliter & perobſequioſe, multifaria preſtitorum experimenta: Exigente occaſionis fato, ſeu in concuſſam infracti animi virtutem antiquiſſime familie, nobiliſſimorumque majorum ſuorum genio dignam; qua jampridem multis retro anteactis ſeculis, apud ſacratiſſimos Scotiæ Reges, majores noſtros, magna cum laude floruerunt: Seu indefeſſum ſtudium, indefatigabilemque alacritatem, in obeunda illa ampliſſima Cancelleriatus prerogativa, in quam munificientia noſtra, & ſingulari quodam affectu, inter plures candidatos, ultro prefatum Comitem aſcivimus, cooptavimus, qua dum digniſſime noſtre expectationi, fiducieque per omnia abunde ſatisfecit, magno Reipublice bono ad omnium vota perhonorifice perfunctus eſt. Sed gravior annis, invalitudineque infirmior, dum tanto oneri ſupereſſe non poſſet, nec pre invalitudine tantum perferre laborem, quem prefata Cancellariatus dignitas exigit. Coram nobis ſuppliciter interceſſit ſeniumque & invalitudenem conqueſtus, cauſat uſque corporis noxam paulatim alacritatem, vigoremque animi ſui ſupprimere honoratam inclinati etati quietem honeſtamque & laudabilem a laboriosa dignitate miſſionem depopoſcit. Cujus petitionis veritatem recognoſcentes benigne, ingenuo deprecantes, voto acquievimus, immunitatemque a tantarum moleſtiarum male indulſimus. Convenientiſſimum rati perpetuo benignitatis, favoriſque noſtri tenori, neque unquam de nobis benemeritos ſupernumerario onere, ſupra eorum vires aggravare, aut affecte etatis ornamenta, eorum fide & devotie erga nos non affecta minuere, quin potius labentis ævi diſpendia, concuſſeque valitudinis incommoda, placidiſſima gratie, clementieque aura, faventieque noſtre refocillare, ac dilnulcere favonio. Inſuper, dum apud nos decreviſſemus inperpetuum tolere & abolere ſupereminens illud Regni Scotiæ procuratoris officium, quo predictum Comitem, in proxima totius Regni Scotiæ Panegyri condecoravimus, neque huic eum ſubmovere poſſimus, ſine aliqua imminute dignitatis opinione, quod a propoſito noſtro fuit alieniſſimum, quin multo ſecure, predicta illa multiplicia officiorum experimenta, luculentioribus, duiturnioribuſque, cumulatiſſime munificentie noſtre monumentis renumerare. Propterea creavimus, conſtituimus, & ordinavimus, ac vigore preſentium creamus, conſtituimus, & ordinamus, prenominatum dilectum noſtrum conſanguineum, Johannem Montiſroſie Comitem, quoad vixerit, pro omnibus vite ſue diebus, ſupremum noſtrum Regni noſtri Scotie, procuratorem, tum in preſenti Regni Scotie, ordinum Panegyri hactenus inchoata, nec adhuc finita, tum in omnibus ceteris Regni Scotie ordinum commitiis, aliiſque conventibus, conſiliiſque futuris, dignitatem, authoritatem, preſentiamque dicti Regni Scotie procuratoris requirentibus. Cum poteſtate prefato comiti, ſub-

limi noſtro procuratori conficere, agere, tractare, exercere predictum officium prefati procuratoris provinciam subire, ejuſque omnibus munus, muneribuſque fungi, in omnibus, & per omnia predicta, tam libere, plenarie & abſolute omnimodo, quam prenominatus comes tractavit, exercuit, predictum officium, vigore prioris mandati, & commiſſionis in proximis comitiorum ſeſſionibus, apud civitates noſtras Edinbrugh & Peirth, habitis menſibus & Julio proxime immediate elapſis, atque in ſubſidium ſumptuum expenſarumque prenominati procuratoris, mandamus generali noſtro obventionum, regiarum queſtori preſenti & futuro, conferre, erogare, ſolvere, prefato comiti, procuratori noſtro, quotannis quod vixerit, pro omnibus vitæ ſue diebus, ſummam bis mille librarum monete Regni Scotie, tanquam dicti officii honorarium, exprimis, paratiſſimiſque Regni noſtri Scotie obventionibus, quam ſummam prefato queſtori, preſentium tenore quotannis in annuis queſture ratiociniis, in ſolutum, acceptumque gratanter feremus. Poſtremo, univerſis & ſingulis noſtre ditionis ſubditis mandamus, prenominatum comitem, ſublimem procuratorem noſtrum, reverenter agnoſcere, colere, eique parere, ac eum omni alia debita pro officii ſui dignitate, obſervantia proſequi. In cujus rei teſtimonium magnum Sigillum noſtrum apponi precepimus. Apud Rouſton idibus Decembris, anno ſalutis humane, mileſimo ſexenteſimo quarto, & Regni noſtri ſecundo & triceſimo octavo.

NUM. XVIII.

Preſentation by *James Scrimzeour* Conſtable of *Dundee*, directed to *John Erskine* of *Dun*, as Biſhop and Superintendent of *Angus*, *Gowrie* and *Stormont*, for giving Inſtitution and Collation to *Robert Gray*, lawful Son to *Patrick Gray* of *Balegirno*, to an Altarage in the Church of *Dundee* of his Patronage. An Original in my Cuſtody.

TO the Reverend in God, *Johnn Erskin* of *Dun*, Superintendent of *Angviſs*, *Gowrie* and *Stormonth*, &c. *James Scrimgeour* Conſtabill of *Dundee*, Patron of the Altarage underwritten, wiſeth Grace, Mercy, and Peace from God our Father, and from our Lord Jeſus Chriſt, with perpetuale Increſs of the halie Spirit for Salutation. Forasmiekle as ye Altarage yat was ſuperſtitiouſlie erectit in ye Honour of Saint *Margaret* Quene, ſituat within the Kirk of *Dunde*, is be full Right vacant in my Hand, Patron of the ſamyn, be the Deceſs of Vmquhle *David Lude* Chaiplane, laſt Poſſeſſour of ye ſamyn, quhairof ye Nominatioun and Preſentatioun of an competent Perſone yairto pertenis heritably to me in Patronage, and to confer and giff Collatioun and Inſtitutioun thairupon, belangis unto zou as Biſchop and Superintendent of the ſamyn. And in Conſideration that the Patrimonie and Almouſe, quhilk pertenit to the ſaid Altar, aucht and ſuld be diſtribut and beſtowed unto an gud Perſone applying himſelf to Godlie Uſis. Thairfor I *James Scrimgeour*, Patron and Conſtable foirſaid, haif nominate, pre-

preſentit, and be ye Tenour heirof, I nominat and preſent *Robert Gray* lauthful Son to *Patrik Gray* of *Balegirno*, Scolar of gud Ingnie, hable to encreſs in Literature and Sciences, civile and divine, to the ſaid Saint *Margaret*'s Altarage, Annualicrents, Profits and Pertinents yrof underſpecifiit, *videlicit*, An Annualerent of fiwe Marks uſualie Monie of *Scotland*, to be liftit and uptaken zeirlie of all and hail yat Tenement of Land, quik pertenit to ye Vmquhile Airis of *Patrik Fraſer*, lyand in the ſaid Brugh of *Dunde*, in the Marcat-gait, on the North-ſyd, between the Land of Vmquhile *William Strauchein*, at the Eſt Part, and the Land of Vmquhile *David Betclay* at ye Waſt Part. And anither Annualierent, of twenty Schillings Monies foirſaid, to be liftit zeirly of the Land of Vmquhile *David Craail*, lyand on ye South-ſyd of *Argalis-gaite* in the ſaid Brugh, between ye Lands of ye ſaid Vmquhile *David* at ye Eſt Part, and ye Land of Vmquhile *David Balbirny* at the Veſt. And anither Annualierent of Twenty ſix Schillingis aucht Pennyis, to be uptaken zeirlie of the ſaid Vmquhile *David Balbirnie*'s Land, lyand on ye South-ſyd of *Argalis-gaite* in the ſaid Brugh, between ye Land of Vmquhile *David Caraile* at ye Eſt, and ye Land of ye Vmquhile Airis of *Thomas Tailzeour*. And anither Annualierent of ſeven Schillings, to be liftit zeirlie of Vmquhile *Richard Smalis*'s Land, lyand on ye North-ſyde of *Argalis-gaite* in the ſaid Brugh, between ye common Gait paſſing to ye *Clepottis* at ye Veſt Part, and ye Land of *John Halden* at ye Eſt Part. And anither Annualierent of thre Schillings ſex Pennyis, to be uptaken of ye ſaid Vmquhile *Johne Halden*'s Land, lyand between the ſaid Vmquhile *Richard Smallis*'s Land at ye Veſt, and ye Land of Vmquhile *Johne Achleck* at ye Eſt. And anither Annualierent of thriten Schillingis four Pennyis to be liftit zeirlie of Vmquhile *Johne Willy*'s Land, lyand on ye North-ſyd of ye Kirk-wynd of ye ſaid Brugh, between ye Land of Vmquhile Sir *Patrik Telling* at ye Eſt, and ye Land of ye famyn Sir *Patrik Telling* at ye Veſt. And anither Annualierent of twenty thre Schillingis four Pennyis to be liftit zeirlie of Vmquhile *Johne Thomſon*'s Land, lyand on the South-ſyd of ye *Murref-gait* in ye ſaid Brugh, between ye Land of Vmquhile Maiſter *William Carnis* Vicar of *Glammis* at ye Eſt, and ye Land of Vmquhile *Johne Ireland*, and ſometyme pertenit to *Richard Scot*, at the Veſt Part. And ane Pece Land of ye Burgage, lyand on the South-ſyd of ye *Flucargait* of *Dunde*, between ye Land of Vmquhile *Johne Silnor* at ye Veſt, and ye commone Vennele paſſing to ye See at ye Eſt Part, with thair Pertinents, extending in ye hail to aucht Pundis, ſex Pennies of zeirlie Annuale, with the ſaid Pece of Land, to be liftit and uptaken zeirlie, uſit and diſponit be ye ſaid *Robert*, during his Lifetime, to ſupport his Burding and Expenſs at Grammar Scolis, and Scolis of Vniverſities in his Minority, and to by his Buiks to help his Stude, to the fine, yt he may cum to Perfectioun of Knawledge, and be plantit in the Kirk of God, to maintenn ye Religioun, and ſet forth ye Goſpel of Jeſus Chriſt. Quhairfoir I not only deſire, bot alſo requeſtis zou to prowid the ſaid *Robert Gray* for his Lifetime dewlie in the foreſaids Altarage and Annualierents, and Pece Land above ſpecifiet, pertening to the famyn, be giwing to him Collatioun and Inſtitution upon the famyn, in Form as effeiris, providing alwayis, yat giff ze fall hald the famyn Altarage in zour Hand be ye Space of ane Month on diſponit to the ſaid *Robert* ſa preſentit be me, or giff it fall happin yat ye ſaid *Robert*, being prowided yruntil, to change ſaid Altarage, or transfer his Ryt yrof to ony vyr Perſon, and at the Time of his Deceſe; In yir Caiſis, and evry ane of yam, I vill and als deſcern be yir Preſents, yat ye Electioun, Nominatioun and Preſentatioun, of anevther qualifiet Perſone to ſucceid him in the ſaid Altarage fall comport and return to me, my Airs and Aſſignaies, als aft as ony of ye Cauſis fall happin, yat we may diſpon yrupon, according to ye

Foundatioun and our Ryt, qlk we have yrintell. In Vitnefs of ye qlk Thing, to yir our Leters of Proclamatioun, fubfcrivit wit our Hand, my proper Sele is affixt at *Dalep* ye achtene Day of *Januar*, before thir Vitnefs, *James Sraingeour* of *Hunderfone*, *William Ogilvie*, *Robert Wedderburn*, and utheris dyvéris.

J. CONSTABYLL of *Dunde*.

NUM. XIX.

Act of Grace and Pardon by *Oliver Cromwell*, called the Lord Protector of the Commonwealth of *England*, *Scotland*, and *Ireland*, to the People of *Scotland*, as it paſſed in his Parliament, the 12th *April* 1654. I have the Act printed in a ſingle Sheet by it ſelf at the Time; it is alſo regiſtred in a Collection of Acts and Ordinances of Parliament, by Mr. *Scobell*, printed in the Year 1658.

HIS Highneſs the Lord Protector of the Commonwealth of *England*, *Scotland* and *Ireland*, and the Dominions thereunto belonging, being deſirous that the Mercies which it hath pleaſed God to give to this Nation, by the Succeſſes of their Forces in the late War in *Scotland*, ſhould be improved for the Good and Advantage of both Nations, and the People of *Scotland* made equal Sharers with thoſe of *England* in the preſent Settlement of Peace, Liberty and Property, with all other Privileges of a free People, Doth Ordain and Declare, and be it Ordained and Declared by His Highneſs the Lord Protector, with the Conſent of His Council, That all Perſons of the *Scotiſh* Nation, of what Degree or Quality ſoever they or any of them are (except the Perſons hereafter in this Ordinance particularly excepted) ſhall be, and are hereby, and from and after the Firſt Day of *May* in the Year, One thouſand ſix hundred fifty four, freed, acquitted and diſcharged from all Forfeitures, Pains, Penalties, Mulcts, corporal or pecuniary Reſtraints, Impriſonment or Impriſonments, Puniſhment or Puniſhments whatſoever (other then is hereafter in this Ordinance expreſſed) for any Matter or Thing by them or any of them, committed or done by Sea or Land, in relation to the late War, or any preceding Wars between the two Nations; And that for the Matters aforeſaid, there ſhall be from and after the ſaid Firſt Day of *May* aforeſaid, no Sequeſtration, Confiſcation, Fine, Penalty, Forfeiture or Puniſhment, impoſed or continued upon them or any of them, (otherwiſe then as is hereafter in this Ordinance expreſſed) but the ſame ſhall be put in perpetual Oblivion.

And alſo that the Eſtates real and perſonal of all Perſons of the *Scotch* Nation (except as is hereafter in this Ordinance excepted and provided) ſhall be, and are hereby and from thenceforth freed, diſcharged and acquitted from all Sequeſtrations, Confiſcations, Fines, Penalties and Forfeitures whatſoever, for any Matter or Thing by them or any of them committed

mitted or done, in relation to the aforeſaid Wars between the two Nations.

Except and always reſerved out of this preſent Ordinance, and all Benefit thereof, *Henrietta Maria*, the Relict and late Queen of the late King *Charles* deceaſed; *Charles Stewart* their eldeſt Son, *James Stewart* their ſecond Son, and all the Honours, Manors, Caſtles, Houſes, Meſſuages, Foreſts, Chaſes, Parks and Lands, and all Tenements and Hereditaments, Royalties, Privileges, Franchiſes, Immunities, Rents and Appurtenances to them, or any of them in *Scotland*, belonging or appertaining, or heretofore lawfully uſed or enjoyed by them, or any of them, as Part or Parcel thereof; and alſo all the Goods and Chattels, and all the Eſtates both real and perſonal in *Scotland*, heretofore belonging to the late King *Charles* deceaſed, either in Right of the Crown of *Scotland*, or in any other Right or Capacity, or unto *Henrietta Maria*, the Relict and late Queen of the ſaid King, or unto *Charles Stewart* their eldeſt Son, or *James Stewart* their ſecond Son, or unto any other the Iſſue or Poſterity of the ſaid late King *Charles*, or otherwiſe beloniging unto them or any of them, and which were in the actual Seiſin or Poſſeſſion of them or any of them, or of their or any of their Tenants, Agents, Servants, Truſtees, Officers or Miniſters in their Right, and for their Uſe, or in Truſt for them or any of them, on the Seven and twentieth Day of *March*, in the Year of our Lord, One thouſand ſix hundred twenty and five, or at any Time ſince, or for which they or any of them have of Right been anſwered the Profits, or might or ought to have received the ſame in the Year aforeſaid, or at any Time ſince, and all Reverſions or Remainders of any Eſtate or Eſtates, to them or any of them belonging or appertaining, and that free from all Manner of Eſtates, Titles, Intereſts, Debts, Charges and Incumbrances whatſoever, wherewith the ſaid Lands or Premiſſes, or any of them ſtand or ſtood charged or chargeable with, or are pretended to ſtand charged or chargeable with, at any Time ſince the firſt Day of *May*, One thouſand ſix hundred forty two, and not before.

And alſo excepted out of this preſent Ordinance, and all Benefit thereof, *James* Duke of *Hamilton* deceaſed, *William* late Duke of *Hamilton* deceaſed, *John* Earl of *Crawfurd-Lindſey*, *James* Earl of *Callendar*, Earl *Marſhal*, Earl of *Kelly*, *John* Earl of *Lauderdale*, *John* Earl of *Loudoun*, Earl of *Seaforth*, Earl of *Athol*, Viſcount *Kenmure*, Lord *Lorne*, Eldeſt Son of the Marquis of *Argyle*, Lord *Mathlin*, eldeſt Son of the Earl of *Loudoun*, Lord *Montgomery*, eldeſt Son of the Earl of *Eglintoun*, *George* Lord *Spynie*, Lord *Cranſton*, Lord *Sinclair*, *Thomas Dalziel*, late Major General of the Foot in the *Scotiſh* Army, *John Middleton*, late Lieutenant-General of the Horſe in the *Scotiſh* Army, *James* Viſcount *Newburgh*, Lord *Bargany*, Sir *Thomas Thomſon*, *James Edmeſton* Lord of *Womat*, Lord *Napier*, *William* Earl of *Glencairn*, and all the Honours, Manors, Caſtles, Houſes, Meſſuages, Foreſts, Chaſes, Parks and Lands, and all Tenements and Hereditaments, Royalties, Privileges, Franchiſes, Immunities, Rents and Appurtenances to them or any of them belonging or appertaining, or on the Eighteenth Day of *April*, in the Year of our Lord, One thouſand ſix hundred forty eight, lawfully uſed or enjoyed with them or any of them, as Part or Parcel thereof, and alſo all the Goods and Chattels, and all the Eſtates both real and perſonal, belonging unto the ſaid *James* late Duke of *Hamilton*, *William* late Duke of *Hamilton*, *John* Earl of *Crawfurd-Lindſey*, *James* Earl of *Calendar*, Earl *Marſhal*, Earl of *Kelley*, *John* Earl of *Lauderdale*, *John* Earl of *Lawdoun*, Earl of *Seaforth*, Earl of *Athol*, Viſcount *Kenmure*,

mare, Lord *Lorne*, Lord *Macklin*, Lord *Montgomery*, *George* Lord *Spynie*, Lord *Crawfurd*, Lord *Sinclair*, *Thomas Dalziel*, *John Middleton*, *James* Viſcount *Newburgh*, Lord *Bargany*, Sir *Thomas Thomſon*, *James Edmeſton*, Lord *Napier*, *William* Earl of *Glencairn*, or any of them, and which were in the actual Seiſin or Poſſeſſion of them, or any of them, or of their or either of their Tenants, Agents, Servants, Truſtees, Officers or Miniſters, in their Right, and for their Uſe, or in Truſt for them or any of them, on the Eighteenth Day of *April*, in the Year of our Lord, One thouſand ſix hundred forty eight, or at any Time ſince, or for which they or any of them, have of Right been anſwered the Profits, or might or ought to have received the ſame at the Time aforeſaid, or at any Time ſince, and all Reverſions or Remainders of any Eſtate or Eſtates to them, or any of them belonging or appertaining, and that free from all and all manner of Eſtates, Titles, Intereſts, Debts, Charges and Incumbrances whatſoever, wherewith the ſaid Lands and Premiſſes, or any of them, ſtand, or ſtood charged or chargeable with, by Force of any Act or Acts, Deed, Grant, or other Thing done by any of the Perſons before named, at any Time ſince the ſaid Eighteenth Day of *April*, One thouſand ſix hundred forty and eight, and not before.

And alſo excepted out of this preſent Ordinance, and all Benefit thereof, all the Eſtate, Right, Intereſt, Claim and Demand, of *James* Lord *Mordington*, of, in, or to the Maudlain Field, Sunck, Cony-garth, Conſtables-Batt, Two Water-mills, and a Wind-mill lying within *Berwick* Bounds.

And alſo excepted out of this preſent Ordinance, and all Benefit thereof, all and all manner of Eſtates, Titles, Intereſts, Debts, Charges and Incumbrances whatſoever, claimed out of any the Eſtate or Eſtates of any of the Perſons excepted as aforeſaid, or of any other Perſon or Perſons as Sureties for them, or any of them, by, for, or in Right, and to the Uſe of any Perſon or Perſons whatſoever, who ſitting as a Member or Members of the late Parliament of *Scotland*, in the Year, One thouſand ſix hundred forty and eight, did not proteſt in the great Proteſtation made in the ſaid Parliament, againſt the Proceedings of the ſaid Parliament, by which the Army was raiſed under *James* Duke *Hamilton*, or that invaded *England*, with the ſaid *James* Duke *Hamilton*, in the ſaid Year, or that ſate in the late Parliament, or Committee of Eſtates of *Scotland*, from and after the Coronation of *Charles Stewart*, in the Year, One thouſand ſix hundred fifty and one, or that ſince the Battle of *Dunbar*, on the third Day of *September*, One thouſand ſix hundred and fifty, ſerved in Arms in *Scotland* under the ſaid *Charles Stewart*, or any commiſſionated by him, or his Authority, or that invaded *England* with the ſaid *Charles Stewart*, or any of his Forces, in the ſaid Year, One thouſand ſix hundred fifty and one, which ſaid Eſtates, Titles, Intereſts, Debts, Charges and Incumbrances, are by Authority aforeſaid, releaſed and diſcharged (ſuch only excepted, who have deſerted the ſaid *Charles Stewart*, and not born Arms againſt the Parliament, ſince the ſaid third Day of *September*, One thouſand ſix hundred and fifty; as alſo ſuch whoſe Merits and Services to this Commonwealth, have rendred them capable of being taken into a more favourable Conſideration by His Highneſs.)

Provided always, and be it Ordained, That all and every Perſon and Perſons whatſoever, claiming any Eſtate, Title, Intereſt, Debts, Charge or Incumbrance, out of any the Eſtate or Eſtates, excepted as aforeſaid, do and ſhall within threeſcore Days after publick Proclamation made of this Ordinance, in the County where the Perſon making ſuch Claim doth live, enter his and their reſpective Claims, with *John Swinton* of *Swinton*, Eſq;

Esq; *William Laurence*, Esq; *George Smith*, Esq; Sir *James M^cDowal* of *Garthland*, *Samuel Disbrow*, *John Thompson*, Esquires, or any three of them, and make the Truth and Reality of them sufficiently appear unto the said *John Swinton*, *William Lawrence*, *George Smith*, Sir *James M^cDowal*, *Samuel Disbrow*, and *John Thompson*, or any three of them, within four Months after such Entry made, and obtain from them or any three of them a Certificate of their Allowance of such Claim and Claims, and that in Default thereof, the said Estates, Titles, Interests, Debts, Charges and Incumbrances be, and the same are hereby Declared, as well to Sureties as Principals, discharged, and made null and void; Provided also, That all and every the Debts, Charges and Incumbrances, upon all and every the Estate and Estates aforesaid, which shall be so allowed, shall be paid and satisfied by such Ways, and in such manner only, as shall be hereafter declared and appointed by His Highness the Lord Protector, by and with the Consent of His Council.

And it is further Ordained by the Authority aforesaid, That Lands of the clear yearly Value of four hundred Pounds Sterling, over and above all Charges, and Reprizes, be settled upon the Lady *Anne Hamilton*, eldest Daughter of the said *James* Duke *Hamilton*, and her Heirs, charged with the Payment of the yearly Rent of Twenty Pounds Sterling, to His Highness the Lord Protector, and his Successors for ever. And that Lands of the yearly Value of Two hundred Pounds Sterling, over and above all Charges and Reprizes, be settled upon the Lady *Susan Hamilton*, one other of the Daughters of the said *James* Duke *Hamilton*, and her Heirs, out of the Estate of the said *James* and *William* late Duke *Hamilton*, charged with the Payment of the yearly Rent of Ten Pounds Sterling to His Highness the Lord Protector, and his Successors for ever. And that Lands of the yearly Value of four hundred Pounds Sterling, over and above all Charges and Reprizes, be settled upon *Elizabeth* Dutchess of *Hamilton* Widow, and Relict of *William* late Duke *Hamilton* deceased, for Term of her natural Life, and after her Decease, to the four Daughters of the said *William*, by the said Dutchess, to be equally divided amongst them, and to their Heirs for ever, out of the Estate of the said *William* or of *James* late Duke *Hamilton*, charged with the Payment of the yearly Rent of Twenty Pounds Sterling, to His Highness the Lord Protector, and his Successors for ever. And that Lands of the clear yearly Value of four hundred Pounds Sterling, over and above all Charges and Reprizes, be likewise settled out of the Estate of the said *John* Earl *Crawford*, upon

Countess of *Crawford* his now Wife for her Life, and after her Decease, upon the Issue of her Body, by the said Earl begotten, and their Heirs, charged with the Payment of the yearly Rent of Twenty Pounds Sterling, to His Highness the Lord Protector, and his Successors for ever. And that Lands of the clear yearly Value of four hundred Pounds Sterling, over and above all Charges and Reprizes, be settled upon

Countess of *Lowdoun*, and her Heirs for ever, out of the Estate of the said *John* Earl of *Lowdoun*, charged with the Payment of the yearly Rent of Twenty Pounds Sterling, to His Highness the Lord Protector, and his Successors for ever: She the said Countess of *Lowdoun* accepting thereof, in lieu of all Jointure, Dower, or any other Interest or Title she hath, or may claim in Possession, Reversion, or Remainder of, in, or to the Estate of the said *John* Earl of *Lowdoun*, or Lord *Machlin*, or of either of them, or by them, or either of them, claimed in right of the said Countess, and releasing the same by the Time hereafter in this Ordinance appointed, and in such manner as is herein directed; which Release shall be good and effectual in Law, to bar the said

Countess of *Lowdoun* and her Heirs. And be it further Ordained, That the Countess of *Calender*, shall hold and enjoy all and every the Lands, Tenements, and Hereditaments, conveyed for her Jointure, from late Earl of *Dumfermling*, her former Husband. And that Lands of the clear yearly Value of two hundred Pounds Sterling, over and above all Charges and Reprizes, be settled upon *Mary*, eldest Daughter of Earl *Marshal*, and her Heirs; And that Lands of the yearly Value of one hundred and fifty Pounds Sterling, over and above all Charges and Reprizes, be settled on each of the other Daughters of the said Earl *Marshal*, viz. *Elizabeth*, *Isabel* and *Jane*, and their Heirs respectively, out of the Estate of the said Earl *Marshal*, excepted as aforesaid, charged with the Payment of the yearly Rent of thirty two Pounds ten shillings Sterling, unto His Highness the Lord Protector, and his Successors for ever, to be apportioned in the Grants of the respective Lands rateably. And that Lands of the clear yearly Value of three hundred Pounds Sterling, over and above all Reprizes, be settled upon Countess of *Lauderdale*, and the Heirs of the Body of *John* Earl of *Lauderdale*, of the Body of the said Countess begotten, or to be begotten, out of the Lands and Estate of the said *John* Earl of *Lauderdale*, excepted as aforesaid, charged with the Payment of the yearly Rent of fifteen Pounds Sterling, to His Highness the Lord Protector, and his Successors for ever And that Lands of the clear yearly Value of two hundred Pounds Sterling, over and above all Reprizes, be settled upon the now Wife of the said Lord *Cranston*, and the Heirs of the Body of the said Lord *Cranston*, of the Body of his said Wife begotten, or to be begotten, out of the Lands and Estate of the said Lord *Cranston*, excepted as aforesaid, charged with the Payment of the yearly Rent of ten Pounds Sterling, unto His Highness the Lord Protector, and his Successors for ever. And that Lands of the clear yearly Value of two hundred and fifty Pounds Sterling, over and above all Reprizes, be settled upon the now Wife of Lord *Bargany*, and the Heirs of the Body of the said Lord *Bargany*, on the Body of his said now Wife begotten, or to be begotten, out of the Lands and Estate of the said Lord *Bargany*, excepted as aforesaid, charged with the Payment of the yearly Rent of twelve Pounds and ten shillings Sterling Money, unto His Highness the Lord Protector, and his Successors for ever. And that Lands of the clear yearly Value of one hundred and twenty Pounds Sterling, over and above all Reprizes, be settled upon the now Wife of the said Sir *Thomas Thompson*, and the Heirs of the said Sir *Thomas Thompson*, of the Body of his said now Wife begotten, or to be begotten, out of the Estate of the said Sir *Thomas Thompson*, excepted as aforesaid, charged with the yearly Rent of six Pounds, to be paid unto His Highness the Lord Protector, and his Successors for ever.

Provided, That before any such Settlement shall be made unto any the Persons abovementioned, out of the Lands excepted by this Ordinance, or that any of the said Persons shall be permitted to enjoy any Benefit by any the Clauses aforesaid, all and every the said Person and Persons, being the now Wife, Child, or Children of any the Persons excepted and excluded from the Benefit of this Ordinance, shall before the five and Twentieth Day of *December*, which shall be in the Year of our Lord, One Thousand Six Hundred fifty four, by Deed, under her or their Hands and Seals respectively, release all her and their Claim, Title, and Demand of Power, Jointure and other Interest in Possession, Reversion, or Remainder, of, in, or to all and every the Lands, Tenements and Hereditaments, of the Husband or Father of such Person releasing; and that all and every such Release, being at-

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teſted under the Hands of two credible Witneſſes, and delivered unto the Perſons before in this Ordinance appointed to receive and determine Claims, or any three of them, ſhall be, and is, and are hereby declared to be valid and effectual in Law, to bar ſuch Perſon and Perſons ſo releaſing, from claiming any Right, Title, Intereſt or Demand, of, in, or to all and every the Lands, Tenements and Hereditaments, of the Husband or Father of ſuch Perſon or Perſons releaſing, notwithſtanding the Coverture, Minority, Infancy, or other Diſability of the Perſon or Perſons ſo releaſing, other than ſuch as ſhall be ſettled upon her or them, in Purſuance of the Proviſion aforeſaid: And in Default of ſuch Releaſe, to be made as aforeſaid, all and every the Perſon and Perſons aforeſaid, ſo making Default, ſhall be from thenceforth for ever debarred and excluded from any Benefit or Advantage by this Ordinance, or any Thing therein contained.

Provided alſo, That all and every the Lands and Eſtate, which ſhall by Force of this Ordinance be ſet out and ſettled as aforeſaid, for the Proviſion of the Wife or Children of any of the Perſons excepted as aforeſaid, ſhall nevertheleſs be liable unto the Satisfaction of the juſt and proper Debts of the reſpective Perſon and Perſons, out of whoſe Eſtate the ſame is ſo ſettled, (in Caſe all the reſt of his or their reſpective Eſtate and Eſtates ſhall not be ſufficient to ſatisfie the ſaid reſpective Debts) ſo far forth, and in ſuch Manner, as ſhall be hereafter declared and appointed by his Highneſs the Lord Protector, by and with the Conſent of his Council.

Provided alſo, and it is further ordained, That the ſeveral Perſons hereafter named, do pay unto his Highneſs the Lord Protector his publick Receipt, the ſeveral reſpective Sums of Money hereafter mentioned and expreſſed, as a Fine and Fines for, and in Reſpect of his and their Eſtate and Eſtates, to be paid in ſuch Manner, and at ſuch Times, as is hereafter in this Ordinance expreſſed; that is to ſay, *David Leſly*, late Lieutenant-General of the *Scots* Army, four Thouſand Pounds *Sterling*,

Marquis of *Douglas*, one Thouſand Pounds *Sterling*,

Lord *Angus*, eldeſt Son to the Marquis of *Douglas*, one Thouſand Pounds *Sterling*, Earl of *Selkrig*, one Thouſand Pounds Sterling, the Heirs of *Francis* late Earl of *Buccleugh* deceaſed, fifteen Thouſand Pounds Sterling, Earl of *Galloway*, four Thouſand Pounds Sterling, *William* Earl of *Roxburgh*, ſix Thouſand Pounds Sterling, *William* Lord *Cochran*, five Thouſand Pounds Sterling, *James* Lord *Forreſter*, two Thouſand five Hundred Pounds Sterling, *Philip Anſtruther*, Son of Sir *Robert Anſtruther*, one Thouſand Merks Sterling, Sir *Archibald Stirling* of *Carden*, one Thouſand five Hundred Pounds Sterling, *James Drummond* of *Machany*, five Hundred Pounds Sterling, *Henry Maule*, Son to the Earl of *Panmure*, two Thouſand five Hundred Pounds Sterling, Sir *James Lewingſtoun* of *Kyllſyth*, one Thouſand five Hundred Pounds Sterling, *William Murray* of *Polmaiſe*, one Thouſand five Hundred Pounds Sterling,

Earl of *Buchan*, one Thouſand Pounds Sterling, Viſcount *Dudope*, one Thouſand five Hundred Pounds Sterling, *Preſton* of *Craigmiller*, one Thouſand five Hundred Pounds Sterling, Sir *Andrew Fletcher* of *Innerpeffer*, five Thouſand Pounds Sterling, Sir *John Wauchop* of *Nethery*, two Thouſand Pounds Sterling, Earl of *Perth*, and Lord *Drummond* his eldeſt Son, five Thouſand Pounds Sterling, Earl of *Winton*, two Thouſand Pounds Sterling,

Earl of *Findlater*, one Thouſand five Hundred Pounds Sterling, Earl of *Murray*, three Thouſand five Hundred Pounds Sterling, Earl of *Queensberry*, four Thouſand Pounds Sterling, Earl of *Eithy* ſix Thouſand Pounds Sterling, Lord *Duffus*, one Thouſand five Hundred Pound

Pounds Sterling, Lord *Grey*, one Thousand five Hundred Pounds Sterling, Sir *Henry Nisbet*, one Thousand Pounds Sterling, Earl of *Panmure*, ten Thousand Pound Sterling, Laird of *Lundie*, one Thousand Pounds Sterling, Earl of *Errol*, two Thousand Pounds Sterling, Earl of *Tullibardine*, one Thousand five Hundred Pounds Sterling, Earl of *Southesk*, three Thousand Pounds Sterling, Earl of *Dalhousie*, one Thousand five Hundred Pounds Sterling, Earl of *Hartfield*, two Thousand Pounds Sterling, *William* Lord *Ross*, three Thousand Pounds Sterling, Lord *Semple*, one Thousand Pounds Sterling, Lord *Elphingston*, one Thousand Pounds Sterling, Lord *Boyd*, one Thousand five Hundred Pounds Sterling, *James* Lord *Cooper*, three Thousand Pounds Sterling, Lord *Balvaird*, one Thousand five Hundred Pounds Sterling, Lord *Rollock*, one Thousand Pounds Sterling, Earl of *Kinghorn*, one Thousand Pounds Sterling, Earl of *Kincardine*, one Thousand Pounds Sterling, Lord *Banff*, one Thousand Pounds Sterling, Mr. *Robert Meldrum* of *Tillybody*, one Thousand Pounds Sterling, Sir *Robert Graham* of *Morphy*, one Thousand Pounds Sterling, Sir *William Scot* of *Harden*, three Thousand Pounds Sterling, *Hay* of *Naughton*, one Thousand Pounds Sterling, *Renton* of *Lambertoun*, one Thousand Pounds Sterling, *Colquhoun* of *Luss*, two Thousand Pounds Sterling, *Hamilton* of *Preston*, one Thousand Pounds Sterling, Mr. *Francis Hay* of *Hayfey*, two Thousand Pound Sterling, *Arnot* of *Ferney*, two Thousand Pounds Sterling, Sir *Robert Forquhar*, one Thousand Pounds Sterling, Sir *Francis Reven*, three Thousand Pounds Sterling, *Scot* of *Montrose*, three Thousand Pounds Sterling, Laird of *Rothemay-gordon*, five Hundred Pounds Sterling, *Colerney*, the younger, one Thousand Pounds Sterling, Sir *John Scot* of *Scotstarbet*, one Thousand five Hundred Pounds Sterling Laird of *Gosford*, one Thousand Pounds Sterling, Laird of *Bachilton*, one Thousand five Hundred Pounds Sterling, *James Mercer* of *Aldey*, one Thousand Pounds Sterling, Earl of *Rothes*, one Thousand Pounds Sterling, Lieutenant Colonel *Eliot* of *Stobbs*, one Thousand Pounds Sterling, Sir *Lewis Stewart*, Advocate, one Thousand Pounds Sterling, *Patrick Scot* of *Thirlestane*, two Thousand Pounds Sterling, Sir *James Carmichael*, two Thousand Pounds Sterling, Sir *Patrick Cockburn* of *Clarkington*, two Thousand Pounds Sterling, Sir *George Morison* of *Prestongrange*, two Thousand Pounds Sterling, *Murray* Laird of *Stanhope*, Son to Sir *David Murray* deceast, two Thousand Pounds Sterling. All and every which Sum, and Sums of Money, shall be paid unto *George Bilton*, Deputy Treasurer at *Leith*; one Moyety thereof, on, or by the second Day of *August*, One Thousand six Hundred fifty four, and the other Moyety, on, or by the second Day of *December* then next ensuing; and in Default of such Payment, all and every the real and personal Estate of every Person and Persons so making Default, shall from thenceforth be absolutely confiscate; and the Commissioners for Sequestrations are hereby impowered to seize the same accordingly.

Provided always, and it is ordained and declared by the Authority aforesaid, That this Ordinance, or any Thing therein contained, shall not extend, or be construed to extend to the restoring or reviving of any Lordship, Dominion, Jurisdiction, Tenure, Superiority, or any Things whatsoever, taken away and abolished by another Ordinance, entituled, *An Ordinance for uniting* Scotland *into one Commonwealth with* England.

Excepted

Excepted, and alſo reſerved out of this preſent Ordinance, and all Benefit thereof, all and every other Perſon or Perſons, not herein beforenamed or expreſſed, that hath or have been at any Time ſince the firſt Day of *May*, One Thouſand ſix Hundred fifty and two, or now is, or are in Arms in *Scotland*, in Oppoſition to this Commonwealth; ſaving and reſerving to all Perſon and Perſons whatſoever, excepted out of this Ordinance, all Benefits and Advantages of any Articles of War, to them granted by his Highneſs the now Lord Protector, as General of all the Forces of this Commonwealth, or any other, by Virtue of any Authority from him derived, any Thing in this Ordinance contained to the contrary thereof in any ways notwithſtanding.

Provided always, and be it further ordained, That this Ordinance, or any Thing therein contained, ſhall not extend, nor be conſtrued to extend to the freeing or diſcharging of any Priſoner or Priſoners of War, from their reſpective Impriſonments, or to the cancelling or diſcharging of any Surety, Bond, Parol, or Engagement, of, or for any Priſoner at War, without the ſpecial Order of his Highneſs the Lord Protector, or whom he ſhall appoint.

Provided alſo, That this Ordinance, or any Thing therein contained, ſhall not extend, nor be conſtrued to extend to the confirming of any Patent, Gift or Grant made by the late King *James*, or the late King *Charles*, whereby any Rent, or other Duty or Revenue belonging to the Crown of *Scotland*, hath contrary to the Law of *Scotland* been altered, changed, converted or diminiſhed; but that all and every ſuch Rent, Duty and Revenue, ſhall remain, and be paid in Kind unto the Lord Protector, and his Succeſſors, in the ſame Manner as the ſame were paid before any ſuch Patent, Gift or Grant made.

NUM. XX.

Commiſſio Patricii Comitis de Marchmont ſummi Cancellarii, pro Parliamento tenendo, ſub magno ſigillo, data viceſſimo quarto die Junii 1698, in Cancellaria, S. D. N. R. Edinburg.

GULIELMUS, Dei Gratia, Magnæ Britanniæ, Franciæ & Hiberniæ Rex, fideique Defenſor, omnibus probis hominibus, ad quos preſentes literæ pervenerint, ſalutem. Quandoquidem nos (magni momenti rationibus ducti) comitiis noſtri Parliamenti hujus antiqui regni Scotiæ Comitia, in ſeptima ſeſſione ſua Edinburgi, decimo nono die menſis Julii proxima futuri, conventum hactenus ſtatuimus, rebus autem noſtris neceſſario nos avocantibus, dictæ Parliamenti noſtri ſeſſioni intereſſe nequimus, ideoque Commiſſionem noſtram cuidam eminentiſſimi ordinis, ſummæque fiduciæ, ac preclaris animi doribus imbuto, regiam noſtram perſonam & authoritatem in eadem repreſentandi, concedere decrevimus; cumque ſatis compertum habeamus fidelitatem intaminatam, egregias animi dotes, duiturnam etiam experientiam fideliſſimi & dilectiſſimi noſtri Conſanguinei & Conſiliarii, Patricii Comitis de Marchmont, &c. ſummi noſtri Cancellarii dicti

Regni, cujus insignes animi dotes, ad summæ illud fiduciæ minus ritè o-
beundum, ac pia & regia nostra proposita propaganda, tum in promoven-
da commodo & interesse dicti nostro antiqui regni, & in ecclesiasticis & in
civilibus, quam servitio nostro ipsum usquequaque instructum reddant:
Noveritis igitur nos dedisse, & concessisse, perque hasce nostras patentes li-
teras dare & concedere, præfato fidelissimo nostro Consanguineo & Con-
ciliario Patricio Comiti de Marchmont, sacram nostram personam repræsen-
tandi, & in predicta septima sessione currentis Parliamenti nostri dicti Reg-
ni, & in re quavis alia ubicunque de Ecclesia firmanda, pace & politia
dicti Regni nostri conservanda, & extolenda, & re nostra propaganda &
promovenda tractandum fuerit, authoritatem nostram regalem gerendi in
ejusdem administrationibus, tanquam supremo nostro Commissionario, ple-
nissimum & amplissimum nostram potestatem & Commissionem, per tenore
presentium, eundem Patricium Comitem de Marchmont, cum Commissio-
narii nostri titulo, nostra authoritate Regali insignimus, plenamque ipsi tri-
buimus potestatem, omnia & singula ad munus & imperium Commissionarii
spectantia, tam plene & libere, quoad omnes effectus, quam quilibet alius
ejusdem summi muneris & characteris (regnantibus quibuscunque nostro-
rum sereniſſimorum decessorum) unquam fecerat, seu de jure facere potue-
rat, faciendi, agendi, peragendi, quæquidem omnia & singula in dicta hac
Commissione prosequenda, ab ipso facienda; nos firma & rata habemus, &
habituri sumus, omnibus & singulis insuper status nostri officialibus, iisque
qui nobis ab intimis Consiliis, judicibus, legatis & officiariis nostrarum in
hoc regno copiarum, cæteriſque quibuscunque subditis dicti Regni stricte
mandamus, & imperamus, ut prafatum Patricium Comitem de Marchmont,
tanquam supremum nostrum Commissionarium, sacram nostram personam
repræsentantem, & regalem nostram authoritatem gerentem agnoscunt, ip-
sique reverentiam & obsequium præbeant, ad effectum, & secundum nor-
mam in hac nostra Commissione præscriptam. Quæquidem Commissio dicto
decimo nono die mensis Julii proxime sequend. inclusive incipiet, & du-
rante dicta septima sessione Parliamenti, & in ultimum usque ejusdem
sessionis diem, etiam inclusive, in vigore durabit. Et denique declaramus
hanc nostram Commissionem, absque præjudicio fore, præfato Patricio
Comiti de Marchmont, cuivis alii diplomati seu Commissioni de quocun-
que alio munere a nobis ipsi concredito, sed eadem durante hac nostra
Commissione, ac etiam post ipsius expirationem in pleno continuare vigore,
durante nostro beneplacito, modo in singulis diplomatis & Commissionibus
ipsi concessis contento. In cujus rei testimonium præsentibus magnum &
etiam secretum nostrum sigillum appendi curavimus, apud aulam nostram
de Kensingtoun, vigesimo quarto die mensis Junii, anno Domini millesi-
mo sexcentesimo nonagesimo octavo, & anno Regni nostri decimo.

NUM.

NUM. XXI.

Act of Security, of the Kingdom of *Scotland*, as it paſſed in the ſecond Seſſion of Queen *Anne*'s Parliament, *Auguſt* 5th, *Anno* 1704.

OUR Soveraign Lady, the Queen's Majeſty, with Advice and Conſent of the Eſtates of Parliament, doth hereby Statute and Ordain, That in the Event of Her Majeſty's Death, or of the Death of any of Her Majeſty's Heirs or Succeſſors, Kings or Queens of this Realm; this preſent Parliament, or any other Parliament that ſhall be then in being, ſhall not be diſſolved by the ſaid Death, but ſhall and is hereby Required and Ordained, if Aſſembled, to Sit and Act in manner after-mentioned, notwithſtanding of the ſaid Death: And if the ſaid Parliament be under Adjournment the Time of the ſaid Death, it ſhall notwithſtanding meet precifely at *Edinburgh* the Twentieth Day after the ſaid Death, excluding the Day thereof, whether the Day of the ſaid Adjournment be ſooner or later. And it is further Statute and Ordained, that in Caſe there ſhall be no Parliament in being at the Time of the Death foreſaid, then the Eſtates, or Members of the laſt preceeding Parliament, without regard to any Parliament that may be Indicted, but never met nor conſtitute, ſhall meet at *Edinburgh* on the Twentieth Day after the ſaid Death, the Day thereof excluded. And further providing, that in all, or any of the ſaid Caſes, if there ſhall happen to be any Vacancy of Members, by Reaſon of Death or Promotion, the Barons or Burghs concerned, ſhall have Power to chooſe and ſupply the ſaid Vacancy in the accuſtomed manner. As likeways, that in all, or any of the ſaid Caſes, no Perſon who hath been, is, or ſhall be then Papiſt, and hath not purged himſelf of Popery, by taking of the *Formula* ſet down in the Third Act of the Parliament one thouſand and ſeven hundred, before the ſaid Death, ſhall be capable to be a Member of, or to elect, or be elected to the ſaid Meeting of the Eſtates of Parliament. And ſicklike, that no *Engliſh-man* nor Foreigner, having a *Scots* Title, and not having an Eſtate of Twelve thouſand Pounds yearly Rent within this Kingdom, ſhall in the Event foreſaid, have Place, or Vote in the ſaid Meeting of Eſtates. And the ſaid Eſtates of Parliament, appointed, in caſe of the Death foreſaid, to continue or meet as above, are hereby Authorized and Impowered, to Act and Adminiſtrate the Government in manner after-mentioned; That is, that upon the Death of Her Majeſty, leaving Heirs of her own Body, or failing thereof, lawful Succeſſors deſigned, or appointed by her Majeſty and Eſtates of Parliament, or upon the Death of any ſucceeding King or Queen, leaving lawful Heirs and Succeſſors, as ſaid is, the ſaid Eſtates of Parliament are Authorized and Impowered, after having read to the ſaid Heir or Succeſſor the *Claim of Right*, and deſiring them to accept the Government in the Terms thereof, to require of, and Adminiſtrate to the ſaid Heir, or lawful ſucceſſors, by themſelves, or ſuch as they ſhall Commiſſionat, the Coronation Oath, and that with all convenient Speed, not exceeding Thirty Days after the Meeting of the ſaid Eſtates, if the ſaid Heir or Succeſſor be within the Iſle of *Britain*, or if without the ſame, not exceeding Three Months after the ſaid

Meeting, in order to their exercising the regal Power, conform to the Declaration of the Eſtates, containing the *Claim of Right*. And alſo, in caſe of the ſaid Heir or Succeſſor their being under Age, which as to the Exerciſe of the Government, is hereby declared to be, until their attaining to ſeventeen Years compleat, to provide for, Order and Settle, within the ſpace of Sixty Days after the ſaid Meeting, a Regency for the Kingdom; untill the ſaid Heir or Succeſſor take the Coronation Oath, and do actually enter to the Exerciſe of the Government. The Regent or Regents to be ſo appointed, always having the *Claim of Right* read to him or them, as above, and he or they taking, at his or their Entry, the Coronation Oath, and to continue for ſuch Space as the ſaid Eſtates ſhall appoint. After the Entry of which Heir or Succeſſor to the Exerciſe of the Government in manner foreſaid, or the ſettling the Regency in caſe of Under-Age, the ſaid Eſtates of Parliament ſhall only continue to Sit and Act for the Space of Three Months, unleſs they be ſooner lawfully Adjourned or Diſſolved by the ſaid Heir or Succeſſor being entred, or by the Regent or Regents lawfully ſettled, as ſaid is. And further, upon the ſaid Death of Her Majeſty, without Heirs of Her Body, or a Succeſſor lawfully deſigned and appointed as above, or in the Caſe of any other King or Queen thereafter ſucceeding, and deceaſing without lawful Heir or Succeſſor, the foreſaid Eſtates of Parliament conveened, or Meeting, are hereby Authorized and Impowered to Nominate and declare the Succeſſor to the imperial Crown of this Realm, and to ſettle the Succeſſion thereof upon the Heirs of the ſaid Succeſſors Body, the ſaid Succeſſor, and the Heirs of the Succeſſors Body, being always of the Royal LINE of *Scotland*, and of the true Proteſtant Religion. Providing always, that the ſame be not Succeſſor to the Crown of *England*, unleſs that in this preſent Seſſion of Parliament, or any other Seſſion of this or any enſuing Parliament during Her Majeſty's Reign, there be ſuch Condition of Government Settled and Enacted, as may ſecure the Honour and Sovereignty of this Crown and Kingdom; the Freedom, Frequency, and Power of Parliaments, the Religion, Liberty and Trade of the Nation from *Engliſh*, or any Foreign Influence, with Power to the ſaid Meeting of Eſtates, to add ſuch further Conditions of Government, as they ſhall think neceſſary, the ſame being conſiſtent with and no ways Derogatory from thoſe which ſhall be enacted in this, and any other Seſſion of Parliament, during Her Majeſty's Reign. And it is hereby Declared, That the ſaid Meeting of Eſtates ſhall not have Power to Nominate the ſaid Succeſſor to the Crown of this Kingdom in the event above expreſt, during the firſt Twenty Days after their Meeting; Which Twenty Days being elapſed, they ſhall proceed to make the ſaid Nomination, with all convenient Diligence. And it is hereby expreſly Provided and Declared, That it ſhall be high Treaſon for any Perſon, or Perſons, to adminiſtrate the Coronation Oath, or be Witneſſes to the Adminiſtration thereof, but by the Appointment of the Eſtates of Parliament in manner above-mentioned, or to own or acknowledge any Perſon as King or Queen of this Realm in the Event of her Majeſties Deceaſe, leaving Heirs of her own Body, until they have ſworn the Coronation Oath, and accepted the Crown in the Terms of the *Claim of Right*: And in the Event of her Majeſties Deceaſe, without Heirs of her Body, until they ſwear the Coronation Oath, and accept on the Terms of the *Claim of Right*, and of ſuch other Conditions of Government, as ſhall be ſettled in this, or any enſuing Parliament, or added in the ſaid Meeting of Eſtates, and be thereupon declared and admitted as above, which Crime ſhall be irremiſſible without Conſent of Parliament. And becauſe in the foreſaid Interval of Twenty Days, betwixt the ſaid Death and Meeting of the Eſtates of Parliament

liament, in caſe there be no Parliament aſſembled for the Time, it is neceſſary that the Adminiſtration of the Government be provided for in that *Interim*: *Therefore* it is hereby Declared, that in caſe of the Death of Her Majeſty, or of any ſucceeding King or Queen of this Realm; Then, in all or either of the Events above-mentioned, the foreſaid Adminiſtration ſhall be in the Hands of ſuch of the Members of the Eſtates of Parliament, and ſuch Members of the Privy Council laſt in being, as ſhall be at *Edinburgh* the time of the ſaid Death, or ſhall come to *Edinburgh* before the ſaid Twentieth Day, and ſhall meet in the Parliament-houſe there; Which Members of the Eſtates and the ſaid Members of the ſaid privy Council, are hereby impowered to Sit, and Act in the ſaid *Interim*, for preſerving the Peace and Quiet of the Kingdom allennarly, and till the ſaid Meeting of the Eſtates, and no longer, Thirty of the ſaid Members of the ſaid Eſtates, and Members of the former Council being a *Quorum*, the plurality being always of the Eſtates, who were not of the former Council. And it is hereby further Statute and Ordained, that all Commiſſions granted to the Officers of State, Lords of Theſaury and Exchequer, Preſident of the privy Council, and all other Civil Commiſſions that are now granted during Pleaſure, ſhall by the Deceaſe of the King or Queen Reigning, become null and void, excepting Sheriffs, Stewarts, and Juſtices of Peace in their reſpective Bounds. And for a further Security of the Kingdom, Her Majeſty with Advice and Conſent foreſaid, *Statutes and Enacts*, that the whole Proteſtant Heritors, and all the Burghs within the ſame, ſhall furthwith provide themſelves with Fire Arms for all the Fencible Men, who are Proteſtants, within their reſpective Bounds, and thoſe of the Bore proportioned to a Bullet of Fourteen Drop weight running: And the ſaid Heritors, and Burghs, are hereby impowered and Ordained to Diſcipline and Exerciſe their ſaid Fencible Men once in the Month at leaſt, the ſaid Heritors always taking the Oath of Alledgeance and Aſſurance: As alſo, ſuch Heritors or Fencible Men, who are ſuſpect of Popery, are hereby appointed, when required, to take the *Formula* mentioned in the Act of Parliament one thouſand ſeven hundred, and that before the Sheriff of the Shire, or any other Judge, within whoſe Juriſdiction they Reſide. And it is hereby likewiſe *Statute and Ordained*, That upon the Deceaſe of Her Majeſty, or any of her Heirs or Succeſſors, the Commiſſions, of all Officers of the ſtanding Forces above a Captain, ſhall immediately become void and null, and that the Captains of the ſeveral Troops and Companies, and the Lieutenants of thoſe who ſhall have belonged to the Collonels, Lieutenant-Collonels and Majors, do continue to command their reſpective Troops and Companies, without extending their Command any further, under the Pain of Treaſon, till further Orders from the ſaid Eſtates, or Committee in the Interval. And further, Her Majeſty with Advice and Conſent foreſaid, Requires and Ordains all Officers and Souldiers, who ſhall happen to be on daily Pay at the Time of the Deceaſe foreſaid, to continue in, or immediately repair to their reſpective Garriſons and Quarters, and not to remove from thence, but by Order of the ſaid Eſtates, or Committee above-mentioned, upon Pain of Treaſon. And laſtly, Her Majeſty with Advice and Conſent foreſaid, Reſcinds, Caſſes and Annulls, the ſeventeen Act of the Seſſion of Parliament one thouſand ſix hundred and ninety ſix Years, and all other Laws and Acts of Parliament, in ſo far as they are inconſiſtent with this Act.

NUM. XXII.

Commiſſio Camerariæ Jacobo Domino Fleeming pro vita, data ſub magno ſigillo, duodecimo die Novembris 1553, ex autographo in Cuſtodia Comitis de Wigtoun.

MARIA, Dei Gratia, Regina Scotorum, omnibus probis hominibus ſuis, ad quos preſentes litere pervenerint, Salutem. Sciatis nos, cum aviſamento & conſenſu noſtri chariſſimi Conſanguinei & Tutoris, Jacobi Ducis de Chattelrault, Arranie Comitis Domini Hamilton, regni noſtri protectoris & gubernatoris; conſiderantes bonum, fidele & gratuitum ſervitium, quondam nobiliſſimo patri noſtro, bone memorie, cujus anima propicietur Deus, ac nobis, per quondam noſtrum dilectum Conſanguineum, Malcolmum Dominum Flemyng, noſtrum magnum Camerarium, qui ſub noſtro vexillo, cum diverſis ſuis Conſanguineis, ſervitoribus & amicis, in campo de Pinkie-cleugh, interemptus fuerat, ac nobis, & dicto noſtro Tutori atque gubernatori, per dilectum noſtrum Conſanguineum, Jacobum nunc Dominum Flemyng, ejis filium & heredem, impenſum, ac pro certis aliis rationabilibus cauſis & conſiderationibus, dictum noſtrum tutorem & gubernatorem moventibus, fecimus, conſtituimus & ordinamus, ac facimus, conſtituimus & ordinamus per preſentes, prefatum noſtrum Conſanguineum, Jacobum nunc Dominum Flemyng, magnum noſtrum Camerarium, infra omnes partes & bondas regni noſtri, pro toto tempore, ſpatio & diebus ſue vite. Dan. conceden. & committen. eidem, noſtram plenam poteſtatem & mandatum Speciale dicto officio Camerarie per ſemet, ſuoſque deputatos, unum vel plures, quos nos ſibi poteſtatem facere, conſtituere, & ſub eo deputare concedimus, ac preſentium tenore committimus, utendi & exercendi; pro cujus officii uſu & exercitatione, ipſo omnia feoda, proficua & divorias inde debit. & conſuet. ſeu ad hujusmodi quovis modo pertinere habebit, & precipiet, ſeu levabit, & ſimili modo, ac adeo libere, ſicut memoratus Malcolmus ejis pater, ullive alii ſui predeceſſores magni Camerarii, nobis vel nobiliſſimis noſtris progenitoribus Scotorum regibus, dictum officum poſſederunt, ac pro uſu & exercitatione ejuſdem ullis retroactis temporibus habuerunt. Tenendum & habendum totum & integrum predict. Camerarie officium, cum omnibus & ſingulis feodis, proficuis & divoriis ejuſdem preſcript. prenominato Jacobo Domino Flemyng, durantibus omnibus ſue vite diebus. Dan. conceden. & committen. illi ſuisque deputatis pluribus aut uni, noſtram plenam poteſtatem, liberam facultatem, ac mandatum ſpeciale noſtri Camerari itinera, atque curias, quoties ſibi placuerit, neceſſariumque & expediens illi viſum fuerit, in quibusvis partibus infra burgum, vel terram infra Regnum noſtrum uſitatis & conſuetis, ſtatuendi, inchoandi, affigendi, affirmandi & tenendi, ac quoties opus fuerit continuandi, ſectas vocari faciendi, abſentis amarciandi, tranſgreſſores & delinquentes, ſecundum jura & regni noſtri conſuetudinem, nec non quantitatem & qualitatem ſuorum criminum & offenſarum, ut juſticie congruit, ſeu hujusmodi conforme, puniendi, exitus, amerciamenta & eſchetas dictorum itinerum, & curiarum requirendi, levandi, recipiendi, & capiendi, ac

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ſi neceſſe fuerit pro eiſdem namandi & deſtringendi, hujusmodi quoque p o ipſius & eorum laboribus ſuo proprio uſui applicandi, Clericos, Serjandos, Judicatores, ac omnes alios officiarios, & itinerum, curiarumque membra neceſſarios, pro quibus reſpondere tenebitur, faciendi, creandi, ſubſtituendi, ordinandi & jurari cautandi, & generaliter omnia alia & ſingula faciendi, gerendi, exercendi & utendi, que ad dictum officium de jure, ſeu regni noſtri conſuetudine, facere tenentur, ratum & gratum haben. & habitur. omnia & quecunque prefatus noſter conſanguineus, ſui deputati officiarum, & miniſtri in premiſſis, durante prelibato ſpatio, rite duxerit, ſeu duxerint, faciendum. Quare univerſis & ſingulis ligeis & ſubditis noſtris, quorum intereſt vel intereſſe poterit, ſtricte precipimus & mandamus, quatenus prenominato noſtro Conſanguineo Jacobo Domino Flemyng, noſtro magno Camerario ante dict. ſuis deputatis, officiariis & miniſtris ſupra ſcript. in omnibus & ſingulis dictum officium concernen. & nullis aliis durante ſupra ſpecificato tempore, ſecundum tenorem preſentium prompte reſpondeant, pareant & intendant, ſub omni pena que competit in hac parte. In cujus rei Teſtimonium preſentibus magnum ſigillum noſtrum apponi fecimus, apud Hammilton, duodecimo die menſis Novembris, Anno Domini milleſimo quingenteſimo quinquageſimo tertio, & regni noſtro undecimo.

NUM. XXIII.

Charter of *Ringwood* by *Philip* de *Valoines* Chamberlain of *Scotland*, to the Monks of *Melroſs*, copied from the Chartularie of *Melroſs*, belonging to the Earl of *Haddingtoun*.

PHILIPPUS de Valoniis Camerarius Regis Scotie, omnibus ſancte matris eccleſie filius, ſalutem. Sciant tam poſteri quam preſentes, me conceſſiſſe, & hac mea carta confirmaſſe, pro redemptione animi regis David, & filii ejus Henrici, & pro anima regis Malcolmi, & pro Domini mei Wilelmi regis Scotie, & fratris ipſius ſalute, & pro ſalute anime mee, & omnium parentum meorum; eccleſie Sancte Marie de Melros, & Monachis ibidem Deo ſervientibus, donationem quam fecit Oſulfus, de terra de Ringwood, liberam & quietam, ab omni terreno ſervitio, & aſſiſſis, & geldis, & auxilio, & omni ſeculari exactione & conſuetudine, in perpetuam elemoſinam, in boſco, in plano, in pratis, aquis & paſcuis, per has diviſas, ſcil. ab eo loco, quo Alewent cadit in Temet, & inde ſurſum uſque ad Blachapol, & ita ad Bollinsburn, & ſic inde ad Cumbirch, & inde recte in tranſverſum uſque Pennango, & a Pennango recte in tranſverſum uſque ad Alewent, & inde ſurſum ad Brunemorne ſuper Dord, & ſic uſque ad Bachaburne, & inde uſque ubi illa Burna cadit in Alewent. Preterea do eis, & concedo hanc libertatem, ut nec ego, nec alius intra predictas diviſas venetur, niſi per ipſos. Teſt. &c.

NUM. XXIV.

Charter of Confirmation by *Thomas* de *Maule* Baron of *Panmure*, of a Charter of *Philip* de *Valoines* to the Monks of *Cowpar*, copied from the Original formerly amongſt the Writes of *Cowpar* Abbay, and now belonging to the Honourable Family of *Panmure*.

IN Dei Nomine, Amen. Per hoc preſens publicum inſtrumentum, cunctis pateat evidenter, quod anno ab incarnatione Domini, milesimo quadringenteſimo quinquageſimo ſexto, menſis Februarii, die vero viceſima, indictione quarta, Pontificatus ſanctiſſimi in Chriſto patris & Domini noſtri, Domini Caliſti, divina providentia, Pape tertii, anno ſecundo. In mei notarii publicii, & teſtium ſubſcriptorum preſentiis, perſonaliter conſtituti venerabiles & religioſi viri, Domini Willielmus Trent, & Simon Landails Monachi de Çupro, Profeſſores ordinis Ciſtercienſi-, ſancti Andree Dioceſis, procuratores reverendi in Chriſto Patris ac Domini, Domini Thome de Levingſton, Epiſcopi in univerſali eccleſia Commendatarii, ac adminiſtratoris de Cupro, & conventus Monaſterii ejuſdem; de cujus procurationis mandato, mihi notario ſatis aperte conſtabat, quandam cartam, bone memorie Philippi de Valoniis, ſuo ſigillo ut prima facie apparuit, ſigillatam, nobili viro Thome de Maule, Domino de Panmure preſentaverunt, qua per eum viſa, atque coram eo, per diſcretum virum Dominum Joannem Cuſyng, Presbyterum, Curatum Eccleſie parochialis de Panbryde, perlecta prius procuratoria & procurationis mandato per eoſdem oſtenſo, ſimiliter perlecto, & per eundem Thomam admiſſo, unanimiter requiſierunt, ac devote ſupplicarunt, eundem Thomam, quatenus quandam acram terre, infra portum de Stinchindehavene, & ſuum dominium, quam dictus quondam Philippus de Valoniis, ſuus predeceſſor, Deo & beate Marie ac Monachis de Cupro Deo ſervientibus, cum certa piſcaria & aiſiamentis maris, ac ceteris pertinenciis elemoſinarie contulit, prout in carta dicti Philippi ſui predeceſſoris plenius continetur & habetur, eoſdem procuratorio nomine in realem, actualem & corporalem poſſeſſionem induceret, inſtitueret & admitteret, dictamque acram terre, cum piſcaria, & aliis pertinenciis, uti dictus ſuus predeceſſor approbaret, ratificaret & confirmaret, cujusquidem carte tenor ſequitur in hec verba. Omnibus ſancte Matris eccleſie filiis, has literas viſuris vel audituris, Philippus de Valoniis, eternam in Domino ſalutem. Noverit univerſitas veſtra me dediſſe & conceſſiſſe, & hac carta mea confirmaſſe Deo, ſancte Marie de Cupre, & monachis ibidem Deo ſervientibus, unam acram terre in portu meo de Stinchindehavene, ad toſtum ſuum & edificia ſua facienda, iſtam, ſcilicet, acram, quam illis perambulare feci, coram preſentia mea, per Adam de Banavine, & per alios probos homines: Habend. & & tenend. de me & heredibus meis, illis & ſucceſſoribus ſuis, in liberam, & puram, & perpetuam elemoſinam, cum piſcaria, & cum aiſiamentis maris, ad

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predictum portum pertinentibus,&etiam cum omnibus commoditatibus,commmodis aiſamentis, quibus homines mei in predicto portu manentes uti debent. His teſtibus, Ada, Dei gratia, Epiſcopo de Cathneſs, Magiſtro Joanne Phiſico, Magiſtro Willielmo de Hahendun, Thoma Mantalent, Willielmo de Wdeford, Simone de Lundoniis, & multis aliis. Qui quidem Thomas pie ſupplicationibus eorum annuens, maturis deliberatione & concilio per eum prius habitis, nec non pro ſalute anime ſue, & ſalute animarum Elizabeth uxoris ſue, Alexandri filii ſui, & omnium predeceſſorum & ſucceſſorum ſuorum, dictam acram terre, cum piſcaria & aliis pertinentiis, ut premittitur, a dic' Philippo ſuo predeceſſore, prefatis Abbati & Conventui de Cupre conceſſas, eorumque jura minime derogare cupiens, prefatam acram terre, jacentem contigue ad litus maris, verius occidentem & fines terre, quam David Horn inhabitare & colere conſuevit, verſus orientem; dictis Willielmo Trent & ſimoni Landails, Monachis procuraroribus ſupra nominatis, nomine dictorum Abbatis & Conventus tradidit, limitavit & aſſignavit, cum omnibus ſuis libertatibus, immunitatibus, commoditatibus & aiſamentis a ſe perpetuo & ſuis heredibus, dictarumque acre terre & piſcarie cum pertinentiis, prefatus Thomas Dominus de Panmure, dictis Monachis procuratoribus poſſeſſionem realem dedit, conceſſit & aſſignavit, per terram & lapides, ut moris eſt, ipſamque acram terre & piſcariam ſic ut predicitur per ſuum predeceſſorum Philippum ſepe dictum Abbati & Conventui de Cupro conceſſas ex tunc confirmavit, approbavit & ratificavit, & in perpetuum, pro ſe & ſuis heredibus ratificatas, approbatas & confirmatas hereditarie voluit, ſupradictis Abbati & Conventui monaſterii de Cupro, in puram & perpetuam Elemoſinam. Cui quidem preſenti publico Inſtrumento, dictus Thomas in ſignum hujusmodi poſſeſſionis, ac terre traditionis facte prenominatis procuratoribus ſuum affigi voluit ſigillum atque mandavit.

Super quibus omnibus & ſingulis dicti Domini Willielmus Trent & Simon Landails Monachi procuratores, a me notario publico infra ſcripto ſibi fieri petierunt publicum & publica, inſtrumentum & inſtrumenta; Acta fuerunt hec apud predictum portum de Stinchindehavene, hora quaſi quarta poſt meridiem, anno, menſe, die, indictione & pontificatu ſupradictis, preſentibus ibidem venerabilibus ac diſcretis viris, David Hay in Decretis Bachallario, Joanne Cuſyng Presbytero, Willielmo Clerico, Donaldo Ramſay, Joanne de Calderwood, Willielmo de Cyorani, Willielmo Gray, & Davide Horn, teſtibus ad premiſſa vocatis ſpecialiter & rogatis.

Et ego David Diſchington, Clericus ac Presbiter Sancti Andree diocefis, publicus authoritate imperiali notarius, premiſſis omnibus & ſingulis, dum ſic ut premittitur fierent, dicerentur & agerentur, una cum prenominatis teſtibus preſens interfui, eaque omnia & ſingula ſic fieri vidi & audivi, ac de nota contentabar, neque in aliis arduis & magnis negotiis perpedito, per alium fideliter ſcribi, feci, ſignoque nomine, & ſubſcriptione meis ſolitis & conſuetis, hic ſubſcripſi & ſignavi, rogatus & requeſitus, in fidem & teſtimonium veritatis omnium & ſingulorum premiſſorum.

NUM. XXV.

Charter of *Panmure* by King *William* to *William* de *Valoniis*, from the Autograph belonging to the Family of *Panmure*.

WILLIELMUS, Dei gratia, Rex Scottorum, Epiſcopis, Abbatibus, Comitibus, Baronibus, Juſticiariis, Vicecomitibus, Prepoſitis, Miniſtris, & omnibus probis hominibus totius terre ſue clericis & laicis, ſalutem. Sciant preſentes & futuri me reddidiſſe & conceſſiſſe, & hac carta mea confirmaſſe, Willielmo de Valoniis, filio Philippi de Valoniis, terras illas in Scocia, quas eidem Philippo patri ejus dedi, ſcilicet, Banevin per rectas divisas ſuas, & cum omnibus juſtis pertinenciis ſuis, & Panmonor per rectas divisas ſuas & cum omnibus juſtis pertinenciis ſuis, tenend. ſibi & heredibus ſuis, de me & heredibus meis, in feudo & hereditate, in boſco & plano, in terris & aquis, in pratis & paſcuis, & in moris & moſſis, & marreſiis, in ſtagnis & molendinis, in vivariis & piſcariis, in viis & ſemitiis, in ſabulis & ſalinis, in portubus, & cum omnibus aliis ad predictas terras juſte pertinentibus, cum ſocca & ſacca, cum furca & foſſa, cum tholl & them, & infangenthef, libere & quiete, plenarie & honorifice, per ſervicium dimidii militis, ſicut carta predicti Philippi de Valoniis patris ſui teſtatur. Teſtibus, R. Epiſcopo Sancti Andree, Johanne Epiſcopo Dunkeld. Ricardo Epiſcopo Moraviæ, Comite Patricio, Comite Dunecano de Fif, Comite Gilleberto de Stradhereen, Rolland. filio Uchtredi Conſtabulario, Willielmo de Lindeſeia, Roberto de Quinci, Willielmo Cumin, Willielmo de Bruis, Willielmo de Haia, Johanne de Haſtings, Willielmo Giffard, Rogero de Mortemari, Alexandro Vicecomite de Strivelin, Ricardo filio Hugonis, Philippo de Lundin apud Striveliq.

NUM. XXVI.

Perambulation betwixt the Abbot and Convent of *Aberbrothock* on the one Part, and Sir *Peter de Maule* Lord of *Panmure*, and *Chriſtian* his Wife on the other Part; from the large Chartulary of *Aberbrothock*, in the Lawyers Library at *Edinburgh*.

ANNO Gratiæ milleſimo ducenteſimo quinquageſimo quarto, cum mota eſſet controverſia inter Dominum Abbatem & Conventum de Aberbrothock ex una parte, & Dominum Petrum de Maulia Dominum de Panmor, & Chriſtinam ſponſam ejus ex altera, ſuper limitibus quarund. terrarum dictorum Abbatis & Conventus de Connan & de Tullach limitantium,

tium, cum terris predictorum Petri & Christine, & heredum eorum de Panmor; & cum Dominus Rex, per literas suas preceptorias, Domino Alexandro Cumyn, Comite de Buchan, Justiciario Scocie, dedisset in mandatis, quod fines dictarum tenarum, & terminos, per probos viros & fideles, secundam justiciam & assisam terre sue juste faceret perambulare; tandem partibus convenientibus die Sancti Albani Martiris anno predicto, super Carnconnan, mediantibus prudentibus viris, nobilibus & discretis, viz. Domino Willielmo de Brechine, T. de Haya, F. de Montealto, & aliis, per ordinationem communem partis utriusque, ita lis inter partes amicabiliter conquievit, scilicet, quod predict. Petrus & Christina, & eorum heredes, pro bono pacis, interveniente amicabili & finali concordia, nomine perambulationis inter partes, ac si eodem die predicte fines per assisam terre perambulate fuissent, omne jus & clameum quod habebant, vel habere poterant in terris de Brekkes, sicut eodem die, cum suis limitibus & terminis ostensi fuerunt; & post pacem reformatam concesse pro se & heredibus suis, Deo & ecclesie beati Thome Martiris de Aberbrothock, & Monachis ibidem servientibus, presentibus Domino A. Dei gratia, Episcopo Brechinen. Domino N. de Mowbray, & aliis quam pluribus laicis & clericis fidelibus, una cum predictis, nobilibus quietum clamaverint ab omni exactione, consuetudine & seculari demanda in perpetuum, & predictam terram, ab omnibus regalibus servitiis defendent, per istas divisas subscriptas. Incipiendo, scilicet, a rivulo, qui dicitur Eloth, & sic ascendendo ad vascellum, usque ad rivolum, qui dicitur le Trath, & sic ascendendo per id vascellum usque ad orientalem partem de Grundaly, & sic descendendo ad Petram, que fixa est in capite de Kelwad, & ita descendendo siket ad marsium Garnell, & ita per rivolum versus orientem, usque ad communem strataam, que tendit ad terminum terre Domini Eustachii de Balliol, ita quod dicti Abbas & Conventus solvent dictis Petro & Cristine, & eorum heredibus, vel assignatis, de dicta villa de Brekkis, annuatim duas marcas argenti, ad duos terminos, scilicet, ad Pentecost, & ad festum Sancti Martini in hyeme, & si dicti Abbas & Conventus cessaverint a solutione dictarum duarum marcarum ad aliquem terminum, liceat dictis Petro, Cristine, & eorum heredibus vel assignatis, sine aliqua licentia petenda, namos Abbatis, & hominum suorum, pro eodem capere debito non replegiandos, quo usque eisdem de predictis duabus marcis plenarie fuerit satisfactum. Preterea dicti Abbas & Conventus quietas clamaverunt in perpetuum, pro se & successoribus suis, dictis Petro & Cristine, & heredibus suis, viginti solidos annuos, quos petebant de terra de Skryn in feodo dictorum Petri & Cristine & heredum eorum; ad hec ante omnia sicut superius notata sunt fideliter observanda Abbas cum Priore, pro se & eorum conventu, & predicti Petrus & Cristina, pro se & eorum heredibus, in manu A. Archidiaconi Brechinen. fide media se obligaverunt, renunciando omni exceptione competenti & competiture, impetratione a sede Apostolica & Regia potestate, faciend. que aliquo modo dictam conventionem poterint infirmare, ut omnia predicta, sicut bona fide concorditer acta sunt, ex utraque parte firma & stabilia perseverent. Et sciendum, quod quedam terrula que habebatur pro locis quibusdam, pro termino predictorum Abbatis & Conventus ex una parte, & dictorum Petri & Cristine, & eorum heredum ex altera, & quoddam vascellum relinquetur pro communi pastura inter utrasque, nullo homini utriusque partis inde bruere aliquo tempore eradicante vel asportante. Item, quod hec sunt divise inter Tullach & Panemor. Quoddam strata que jacet inter Kynnaird & Tullach, & sic descendendo ad quoddam vadum, quod dicitur Athorby, contingente vero quod aliqua partium, a predictis aliquo tempore voluerit resilire, altera pars predicta

fideliter obſervans, & nullatenus reſpondebit, antequam refundat centum libras legalium ſterlingorum, nomine pene adjectas, de conſenſu utriuſque partis, parti predicta fideliter obſervanti; & ut omnia ſupra dicta robur firmitatis in perpetuum obtineant, huic ſcripto in modo Chyrographi confecto, appoſita ſunt ſigilla partium ad invicem, una cum ſigillo dicti Domini Juſticiarii. Teſtibus viris venerabilibus prenominatis, Magiſtro Nich. de Hedon, Decan. Moravienſi, Domino Joanne Wiſchard, Domino Henrico milite ſocio dicti Domino Petri de Maul, Duncan. de Fethyn, Rogero de Baleah, Duncano judice, Maleys de Edviyn, Euſtachio de Glaceſtrie, Duncano de Duyn, & multis aliis.

NUM. XXVII.

Charter of Confirmation by King *David* II. of a Charter of *Walter de Maule* Baron of *Panmure*, to the Biſhop and Cathedral Church of *Brechin*, from the Original belonging to the Family of *Panmure*.

DAVID, Dei gratia, Rex Scottorum, omnibus probis hominibus tocius terre ſue clericis & laicis, ſalutem. Scitatis nos approbaſſe, ratificaſſe, & hac preſenti carta mea confirmaſſe, donationem illam & conceſſionem, quas quondam Walterus de Maulea de Panmor fecit & conceſſit venerabili in Chriſto patri quondam Ade, eccleſie Brechin. Epiſcopo, & eidem eccleſie ſue, de Capellania de Both, & de terra de Carncorty cum pertinentiis, ac etiam donationem illam & conceſſionem, quas quondam Criſtiana de Valoins, Domina de Panmor, fecit & conceſſit Capelle de Both, de terra de Bothmernock cum pertinentiis, in tenemento de Panmor, & de duabus marcis ſterlingorum annuatim debitis de terra de Breckys, per Abbatem & Conventum monaſterii de Abirbrothock, tenend. & habend. eidem eccleſie Brechin. Epiſcopis & Canonicis ejuſdem in perpetuum, cum omnibus terre redditibus, juribus, libertatibus, commoditatibus, ayſiamentis & juſtis pertinentiis quibuſcunque, ad dictas Capellam & terras ſpectantibus, ſeu quovis modo juſte ſpectare valentibus, in futurum, libere, plenarie, pacifice & quiete; in cujus rei teſtimonium, preſenti carte confirmationis noſtre, ſigillum noſtrum precepimus apponi. Teſtibus venerabilibus in Chriſto patribus, Willelmo Epiſcopo Sancti Andree, & Johanne Epiſcopo Dunkelden. Roberto ſeneſcallo Scotie Comite de Stratherne, Patricio Comite Marchie & Moravie, Roberto de Erskyne, & Johanne de Preſtone Militibus, apud Edinburgh viceſimo die Novembris, anno Regni noſtri triceſimo primo.

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NUM. XXVIII.

Charta Symonis Fraſer ſuper Eccleſie de Keith, terra & nemore conceſſis per eundem Symonem, Abbatio de Kelſoe. Excerpta ex Chartulario dicti Abbatiæ, in Biblioth. jurid. Edinburg.

UNIVERSIS Sancte Matris eccleſie filiis & fidelibus, Symon Fraſer, ſalutem. Noverint tam poſteri, quam preſentes, me dediſſe & conceſſiſſe, & hac preſenti carta mea confirmaſſe, eccleſie Sancte Marie de Kelchow, & monachis ibidem Deo ſervientibus, eccleſiam de Keith, cum tota illa terra, & toto nemore, ab auſtrali parte rivoli juxta eccleſiam, *ſcil.* predictum rivulum qui currit juxta eccleſiam uſque ad Kyrkeburn, & inde uſque ad viam que vadit ad Hadyngton, & inde uſque ad Kyrneſtroder, ſicut ego eam perambulavi, inter Petrum Clericum & Coſpatricium de Drem, & de Kyrneſtroder, uſque in Ravenden, & de Ravenden uſque ad prefatum rivolum qui currit juxta eccleſiam, & illam terram ex orientali parte vie juxta eccleſiam uſque ad ſuperciſum montis, uſque ad quercum que eſt ſuper rivolum; hanc autem terram & totum nemus quod infra diviſas iſtas dedi predicte eccleſie de Kelchow, in liberam & perpetuam eliemoſinam, ut facient, tam de toto nemore quam de tota terra predicta, ſicut de ſuo proprio quodcunque voluerint. Concedo etiam predictis monachis, & hominibus ſuis, in predicta terra de Keith manentibus, commune & aſiamenta terre mee de Keith, & in ſocaſi, & in paſtura, cum rationabile inſtauramenta & aſiamenta boſci mei, cum hominibus meis, & ut ipſi monachi quieti ſint & liberi de multura, tam de tota decima ipſius Parochie, quam de ſua propria tota ſegete, quam in ipſa terra coluerint vel habuerint, & ipſi, & homines eorum liberi omnino erunt de opere molendini & ſtagni; volo itaque ut prefati monachi de Kelchow, hanc predictam eliemoſinam poſſideant, ita libere & integre, & honorifice teneant, & in perpetuam eliemoſinam poſſideant, ſicut aliquam aliam eliemoſinam liberius, plenius, & melius habent, & poſſident, & ſicut hac charta mea teſtatur.

NUM. XXIX.

Diſpoſition of the Lands of *Cowie* and *Durryſs*, by *William Fraſer* Lord of *Philorth*, to *William* de *Hay* Lord of *Errol*. Anno Dom. 1413. An Original, which I have ſeen in the Cuſtody of the Lord *Saltoun*.

BE it madde knawyn til al Men throch yir preſent Letres, me *William Fraſare*, Lord of *Fylorth*, for til haf ſaulde fra me and myne Ayris and mine Aſſignais for euermare, til a noble Lord and mychty *William* de *Hay*, Lord of *Erroll*, and Conſtable of *Scotland*, his Ayris and his Aſſignais, all my Landis of ye Baronryis of *Cowy* and of *Durryſs*, wid Tenand and Tenandryis, and Service of fre Tenand, lyand widin the Schyreffdome of the *Merenyſs*, wid ye Pertenance to me perteignand, for a Sowme of Sylir before hand in my mykyl myſtir to me payit, of the whilke Sowme I hald me well payid and content, and the fornemyt Lord of *Erroll*, his Ayres, Executores and Aſſignaes, I quite clayme for euermare be yir preſent Letres, for til hald and for till haff, all ye Landes fornemyt, wid ye Pertenance, to ye fornemyt Lord of *Erol* hys Ayris and his Aſſignais of oure Lord ye Kyng, into fre Baronryis, wid outyn ony Clayme of me or of mine Ayris to be made in the fornemyt Landys in ony Tyme to cum: In to the whilke Landys, Dame *Elizabeth* of *Hwyſtun*, ye Wife whilum of Sir *Alexander Fraſare*, as Joynte-fyffer as nw and whar Tyme at ye forſayde Lady may be tretyt til upgyf ya Landis til oure Lord ye Kyng, or til oure Lord ye Duke, as Gouernowre, till infeft *William Fraſer* in ya ſayde Landis, he beand in lachfull Poſſeſſion ſal reſigne ya ſayde Landys in ye Handis of the oure Lord, for till infeft ye ſayde Lord of *Erroll* frely his Ayres or his Aſſignes. And in caſe yat the fornemyt Lord of *Erroll* diſſeſe, or yhete ye ſayde *William Fraſare*, as God forbede, yis Comand beand unfullfyllit, widin fowrety Dayis eftyr ye Reſignacion of ye ſayde Landis to ye owre Lord, or ellis her diſſeſe, the fornemyt *William Fraſare* obligis hym, his Ayres and his Aſſignaes to pay to ye fornemyt Lord of *Erroll*, his Ayris or his Aſſignais a hondreth Pond of uſuale Mone of ye Kyngryke of *Scotland*, ilk Yhere be Yhere, at uſual Tinys proporcionalli, yat is to ſay, at *Witſonday* and *Martinemeſs*, ay till yis Comand be fullily fullfyllyt in Fourme and Effecte, as it is before wrytin, na remede in lach Canon, na civile agayne ſtandand, yat may be proponyt in ye contrary. In ye Witneſs of ye whylk Thyng my Seele is putte to yir preſent Letres at *Perth* ye tend Day of ye Month of *October*, in ye Yhere of oure Lord a thowſand fowre hondreth and threttine.

NUM.

NUM. XXX.

Litera approbationis, in favorem Roberti Domini Boyd, ſub magno ſigillo, in Archivis Scotiæ Edinburg.

JACOBUS, Dei Gratia, Rex Scotorum, omnibus probis hominibus ſuis, ad quos preſentes literæ pervenerint, ſalutem. Sciatis nos quodam actum in Parliamento apud Edinburgh, anno, die, & menſis ſubſcriptis, per nos proprio motu, in preſentia trium Regni noſtri ſtatuum, pronunciatum, & per Clericum noſtrorum Rotolorum & Regiſtri infraſcript. noſtro mandato in ſcriptis redactui, utique intelexiſſe ſub hac forma. In Parliamento excellentiſſimi & potentiſſimi principis ac Domini noſtri metuendiſſimi Domini Jacobi tertii, Dei Gratia, Scotorum regis illuſtriſſimi, tento apud Edinburgh decimo tertio die menſis Octobris, Anno Domini mileſſimo quadringenteſſimo ſexageſſimo ſexto, ipſo excellentiſſime principe, in regali ſolio ſeden. comparuit nobilis & potens Dominus, Robertus Dominus Boyde, peciitque humiliter ad genua ſedens, coram tribus Regni ſtatibus, a ſua ſerenitate declarari, an aliquam ad indignationem, aut aliqualiter offenſionem, contra eundem concepiſſet, ex eo quod cum a palatio ſue de Linlithgow, poſt ſaccarium ad Edinburgum, cum eodem equitaſſet ; cum ſuppremus Dominus noſter, mature & conſulte aviſatus, coram ejuſdem Regni ſtatibus, vive vocis oraculo declaravit clare, lucideque edixit ſe nullam indignationem, offenſam aut metus rancorem, contra eundem Dominum Boyde, Adam Hepburn filium & apparentem heredem Patricii Domini Halis, Johanem Dominum Somervile, Andream Ker, filium & heredem apparentem Andree Ker de Ceſford, aut alios, cum eodem Domino Boyde, & perſonis predictis exiſtent. aliqualiter concepiſſe, nec in futurum concepere velle, ſed eos ex hujuſmodi equitatu, per preceptum ſue ſerenitatis facto, extra omnem noxiam & culpam, eſſe & eos, ut ſuos fidos ligios reputavit, & in cares habuit. Ita quod ex hujuſmodi equitatu, nullum eis, aut eorum alicui, aut perſonis cum eiſdem preſentibus, futuris temporibus quoviſmodo prejudicium, aliquod damnum, moleſtiam, aut gravamen generaret, quam rem & ſuppremmi Domini Regis declarationem, dictus Dominus Boyde, pro ſe & perſonis, cum eo ſuperius nominatis petiit, in actis Parliamenti redegi, & ſub Magno Sigillo ſuppremi Domini noſtri Regis, ſibi & aliis perſonis predictis, ad perpetuam rei memoriam inde confecti & donari. Extractum de libris actorum Parliamenti per me Ferguſium M'Dowel, clericum Rotolorum & Regiſtri, Domini noſtri Regis ſub meis ſigillo & ſubſcriptione manuali, anno, die, menſe & loco predictis. Quod quidem actum, ac omnia & ſingula in eodem contenta, in omnibus ſuis punctis & articulis, approbamus & tenore preſentium declaramus & confirmamus. Datum ſub magno ſigillo noſtro apud Strivelin viceſſimo quinto die menſis Octobris, Anno Domini mileſſimo quadringentiſſimo ſexageſimo ſexto, & Regni noſtri ſeptimo.

NUM. XXXI.

A Letter of Queen *Katharine*'s to King *Henry* VIII. of *England* her Husband, upon the Defeat of the *Scots* Army at the Battel of *Floudown*, and of the Death of *James* the IV. King of *Scotland*, anno 1513, copied from an Original in the learned Bishop *Burnet*'s Collection of Records, referring to his History of the Reformation of the Church of *England*.

SIR,

MY Lord *Howard* hath sent me a Letter open to your Grace within coon of myn, by the whiche ye shall see at length the grete Victorye that our Lord hath sent your Subjects in your Absence: And for this Cause it is noo nede herin to trouble your Grace with long Writing; but to my thinking, this Batell hath been to your Grace and al your Realme the gretteft Honor that coude bee, and more than ye shuld wyn al the Crown of *France*: Thankend bee God of it, and I am suer your Grace forgeteth not to doe this, which shal be cause to sende you many more suche grete Victoryes, as truft he shall do. My Husband, for hastyneffe with *Rogecroffe*, I coude not send your Grace the Peese of the King of *Scotts* Cote, which *John Clyn* now bringeth, in this your Grace shall see, how I can kepe my Promys: Sending you for your Baners a Kings Cote. I thought to send himself unto you, but our *Englisse* Mens Harts wold not suffer it: It shuld have been better for hym to have been in Peas than to have this Reward, al that God sendeth is for the best. My Lord of *Surrey*, My *Henry*, wold fayne knowe your Pleasure in the Buryeing of the King of *Scotts* Body, for he hath written to me soo, with the next Messanger your Grace Pleasure may bee herin knowen; and with this I make an ende, praying God to sende you Home shortly: For without this no Joye here can be accomplished: And for the same I pray and now go to our Lady at *Walsingham*, that I promised soe longe agoe to see, at *Woburne* the xvj Day of *September*.

I send your Grace herin a Bill founde in a *Scottysse* Mans Purse, of suche Things as the *Frensse* King sent to the said King of *Scotts* to make Warre against you: Beseeching you to send *Mathewe Heder* assone this Messanger cometh to bringe me Tydings from your Grace.

Your humble Wife and true
Servant
Katharine.

NUM.

NUM. XXXII.

Inquiſition by *David* Earl of *Cumberland*, into the Poſſeſſions of the Church of *Glaſgow*, within the Earldom of *Cumberland*, copied from the Excerpts of the Chartulary of the Epiſcopal See of *Glaſgow*, now lodged in the Lawiers Library at *Edinburgh*.

IGitur quandoquidem predeceſſorum inſtituta, mortalium literarum oſtentatione, & ſcribarum deliberatione, ad memoriam revocantur, nos Cumbrenſium quedam Geſta nobilium, preſentibus apicibus memorie commendamus. In Cumbria itaque, Regione quadam inter Angliam & Scotiam ſita, fide Catholica, in illis Climatibus exuberante ac propagante, Domeſtici filii ac Proceres Regni, cum Rege provincie cooperante, in honore Dei & Sancte Marie, pie genetricis, Eccleſiam Glaſcuenſem, ſedem, ſcilicet, Pontificalem Cumbrenſis Regionis fundaverunt, & dignis ſanctionibus, pro priſtina ſanctorum Religione Patrum ſolidaverunt: Hec vero, pulchris initialibus, & Eccleſiaſticis inſtitutionibus, Sancte quoque fidei rudimentis inolerit, & diſpoſitione Divina, Sanctum Kentigernum in Epiſcopum admiſit, qui celeſtis affluentia Doctrine fidentibus propinaret, & Cibum Spiritualem ut fidelis diſpenſator eſurientibus miniſtraret: Verum enimvero, fraudulentus exterminator, ſupradictam Eccleſiam diu inviolabiliter conſtare ingeniſcens, conſuetis verſutiis ſuis, poſt multa temporum Curricula, ſcandala intolerabilia Cumbrenſium Eccleſie machinavit; dicto namque Kentigerno pluribus ſucceſſoribus, ſub pie Religionis perſeverantia ad Dominum tranſmigratis, diverſe ſeditiones circumquaque inſurgentes, non Solum Eccleſiam & ejus poſſeſſiones deſtruxerunt, verum etiam totam Regionem vaſtantes, ejus habitatores exilio tradiderunt. Sic ergo omnibus bonis exterminatis, magnis temporum Intervallis tranſactis, diverſe tribus diverſarum Nationum, ex Diverſis partibus affluentes, deſertam Regionem prelatam habitaverunt; Sed diſpari gente, & diſſimili Lingua, & vario more viventes; Hanc facile ſeſe conſentientes Gentilitatem, potius quam fidei Cultum. O nos infelices damnate habitationis habitatores, more pecudum irrationabiliter degentes! dignatus eſt Dominus, qui Neminem vult perire, propitiatione ſua viſitare, tempore nimirum Henrici Regis Anglie, Alexandro Scotorum Rege in Scotia regnante, miſit iis DEUS David Predicti Regis Scotie Germanum, in Principem & Ducem, qui eorum impudica & ſcelerata contagia corrigeret, & animi Nobilitate, & inflexibili ſeveritate, contumelioſam eorum contumaciam refrenaret. Hic nempe bene vivendi ſtudio fervidus, prophane multitudinis miſerie condolens, ut Paſtorali ſollicitudine qua diutius caruerunt, eorum opprobria deleret. Divino inſtigatus hortamine, Joannem quendam Religioſum virum qui eum educaverat, vitamque ejus Deo non Imbecilliter devotum noverat, conſilio peritorum, Clericorumque ſuorum auxilio, in Epiſcopum elegit. Sed cum Epiſcopus, cognita infelicis populi feritate, & abhominabili vitiorum multiplicitate,

tiplicitate, utpote perterritus, Hieruſalem proficiſci diſpoſuiſſet ab Apoſtolo Paſchali licet invitus, conſecratus, officium ſuſcepte ſollicitudinis nullatenus differre voluit, ſed cum Gaudio, ſub plebis acclamatione, Diœceſeos & a Proceribus Regni receptus, verbum predicationis, ſpiritu ſancto Largiſſime operante, per Cumbrenſem parochiam diffudit. David vero Cumbrenſis Regionis Princeps, amore precipue DEI, partim quoque Religionis dilectione & admonitione, terras Eccleſie Glaſcuenſi pertinentes, ſingulis Cumbrie Provinciis, que ſub Dominio & poteſtate ejus erant, non enim potri Cumbrenſi Regioni Dominabatur, inquirere feci, ut avidus ipſius Eccleſie reſtaurationis poſſeſſionum earum quas antiquitus tenuerat poſteris & lequacibus ſuis certitudinem relinqueret. Has vero, auxilio & inveſtigatione ſeniorum hominum & ſapientiorum totius Cumbrie, pro poſſe ſuo Inveſtigavit, que inferius ſubſcribuntur Carlemen, Cauicas, Cauicatlethein, Lengartheyn, Patelanthe, Cunclut, Pamichel, Stobetis, Pentejadob, Alnecromha, Kenecoun, Lileſcliva, Aſchecheyrc, Hodelm, Edingabeyin, Abermelio, Driniſdal, Colchtaim, Kenercrold, Aſchebi, Brumerhede, Kenergilt, Lii Peebles, una Carrucata terræ & Eccleſia Lii Kenegryd, una Acra & Eccleſia Lii Mereboda, una Carrucata & Eccleſia. Has terras fore pertinentes Eccleſie Glaſcuenſi, rogatu & imperio predicti Principis, Uchtrede filius Waldef, Guil. filius Boed, Leyſing & Ogga Cumbrenſes Judices, Halden filius Eadulf, Hujus rei teſtes ſunt, ut audientes & videntes, Matildis Comitiſſa, que ex parte conceſſit ſua, Willielmus Nepos ipſius Principis Coſpatricius frater Dolphini, Waldef frater ſuus, Coſpatricius filius Uchtred, Coſpatricius filius Alden, Oſolf filius Eadmer, Maccus filius Undneyn, Uchtred filius Scot, Ulchel filius Alſtan, Hugo de Morevil, Paganus de Brauſa, Osber de Ardena, Gervaſius Riddel, Guide de Caynes, Beringarius Engarn, Robertus Corbitts, Walterus de Lindeſaya, Robertus de Burnevilla, Renaldus Denninſtans, Walterus filius Winemarii, Gulielmus Venator, Alanus de Parci, Walterus de Bron.

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The APPENDIX.

NUM. XXXIII.

Exoneration by His Majeſty King *James* VI. under the Great Seal, to the Earl of *Mar*, of his Care and Fidelity in the Tuition of his Son Prince *Henry*, the 28th of *June* 1603.

JAMES, by the Grace of GOD, King of *Great Britain*, *France*, and *Ireland*, *&c.* Whereas it is not unknown, that upon juſt and neceſſary Conſiderations, we did commit, in the Year of our Lord 1596, the Cuſtody of the Prince our Son, to our Right Truſty and well-beloved Couſin and Councellor, the Earl of *Mar*, as well in regard of our Security, which conſiſteth in his Security, as in Reſpect there was none more fit to take that Charge than the Earl, of whoſe Sincerity in Religion, Affection and Fidelity to our Perſon, to our State, together with his Diſcretion and Judgment, we have had ſo good Experience, having now otherwiſe reſolved to diſpoſe of him, and conſidering how juſt and neceſſary it is for us to give as ample a Diſcharge to our Couſin, the Earl of *Mar*, as may be: We do therefore firſt declare to all Perſons whatſoever, by theſe Preſents, That we have very great Cauſe moſt graciouſly to allow of that great Care which he hath ſhewed in providing for his vertuous Education. Next, That he hath obſerved our Directions for his Delivery. And *laſtly*, That he hath been received in ſo good State of Health and Conſtitution of Body and Mind, that we have Occaſion, not only to take Comfort in God's Favour thereby, ſo confirmed to us, but do now teſtifie and declare, by Vertue of theſe preſent Letters, that we do diſcharge, acquit, and exonerate againſt us, our Heirs, and Succeſſors, our ſaid Couſin, the Earl of *Mar*, concerning the Education and Delivery of our Son, as foreſaid, and do hereby notifie to the World, that we have received full and intire Satisfaction, anſwerable to the Truſt repoſed in him, and are reſolved to lay it up in Memory, as a Record of his conſtant Love and Duty towards us, and taking ourſelves bound on the Honour and Gratitude of a Prince, not only to give him Acquittance, but to reward him in Time coming, for ſo great and memorable a Service. 28th *June* 1603.

MVSEVM
BRITAN
NICVM